

**LEGAL PROTECTION OF CIVILIANS DURING THE IRAN-ISRAEL CONFLICT
ACCORDING TO THE 1949 JANEVAL CONVENTION**

Anandika Abrar Tamba, Muhammad Nasir Sitompul

Email: anandikaabrar@gmail.com

Universitas Muhammadiyah Sumatera Utara

ABSTRACT

International law is law that applies to all countries globally. Civilians in any armed conflict are guaranteed international legal protection, as armed conflict falls within the scope of international law. The international legal provisions governing the protection of civilians are contained in the 1949 Geneva Convention.

This study discusses the legal protection of civilians in the midst of the armed conflict between Iran and Israel. The research method used in this study is normative juridical with a statutory approach, combining library research with an examination of official regulations directly related to the legal issues and problems faced by civilians during armed conflict.

The research results indicate that both countries committed serious violations and are suspected of violating the 1949 Geneva Conventions and are liable for such violations. This research is expected to enrich the literature on international law, particularly regarding humanitarian law and the protection of civilians during armed conflict.

Keywords: Legal Protection, Civilian Population, 1949 Geneva Convention

A. Introduction

The Middle East has a long, bloody, and ongoing history of conflict. However, the most prominent and complex source of geopolitical tension in the region is the dispute between Israel and its surrounding countries.¹

This dispute goes far beyond simple issues such as territorial disputes or sovereignty. It represents a complex mix of intertwined interests, encompassing religious factors, historical

¹Siti Fitriyanti, (2025), "The Impact of the Israeli Conflict on International Relations in the East", Jurnal Cakrawala Ilmiah, Vol.4, No.7, pages 1085-1094.

heritage, political ambitions, and global economic influence. Since the proclamation of the state of Israel in 1948, the Middle East has been in a state of ongoing conflict.²

For decades, Israel and Iran have escalated their proxy wars in the Middle East, attacking each other across land, sea, air, and cyberspace. However, tensions recently escalated when the two countries launched direct attacks on each other. Iran's attack marked the first time it had been launched directly from its own territory, and it was the first time Israel had directly attacked Tehran from the air. For forty years, Iran had refrained from large-scale warfare over Palestine, but had consistently warned of retaliation if Israel attacked its territory.³

This latest escalation is a new chapter in the years-long bloody feud between Iran and Israel. The intensity of their conflict is constantly changing, influenced by geopolitical developments. Overall, the feud between the two countries is a major source of turmoil in the Middle East.⁴

In recent times, the paradigm of the conflict between Iran and Israel has undergone a fundamental transformation, marked by a drastic shift from a proxy war to an open and direct military confrontation. A historic turning point in this escalation occurred on April 13, 2024, when Iran launched a large-scale missile and drone attack on Israeli territory, an action that reflected Tehran's increasing boldness and a shift in defense doctrine, leading to a more aggressive demonstration of its military might.⁵

This direct aggression triggered a strategic shift on the part of Israel, which responded with a much more aggressive counterattack intensity to re-establish its deterrent, including by expanding the scope of military operations against various Iranian assets and strategic positions located inside Syria.⁶

As recently as June 2025, Israeli Prime Minister Benjamin Netanyahu declared that Operation Rising Lion targeted the "heart" of Iran's nuclear program, claiming that if not stopped, Iran would be capable of producing nuclear weapons within a short time. This claim was strongly denied by Iran, which insisted its nuclear program was peaceful. In response to

²Ibid.

³J. Indrawan and P. Yuliandri, (2025), "The Iran – Israel Conflict as the Prelude to the Outbreak of World War III: Its Impact on Indonesia", POLITEIA: Journal of Political Science, Vol.17, No.2, pages 125-135.

⁴Ibid.

⁵Aldino Cakra Buana, et.al, (2024), "Middle East Security Analysis: Escalation of the Israel-Iran Conflict", Journal of Communication, Social, and Political Science, pages 383-390.

⁶Ibid.

the attack, Iran's Supreme Leader, Ayatollah Ali Khamenei, warned that Israel "should expect severe punishment," while Iran's Foreign Minister publicly called the attack a "declaration of war."⁷

Tensions escalated on Friday, June 13, 2025, after Israel launched a surprise attack on Iranian territory, including Tehran. According to Iranian state television, the attack hit several residential buildings and killed at least 60 people, including 20 children. The attack also targeted crucial non-military infrastructure, such as a major gas depot and an oil refinery located in central Tehran.⁸

Initial data from Iran's Health Ministry indicates the extent of the Israeli attacks, with a total of 224 deaths and over 1,200 injuries. The attacks not only caused civilian casualties but also reportedly hit several strategically important locations, including the main nuclear facility in Natanz, an airport in Tabriz, and an Islamic Revolutionary Guard Corps (IRGC) base and military facilities in Kermanshah.⁹

In Tehran, Iranian media reports said three staff members were killed after an Israeli strike hit a studio, forcing a state media presenter to flee during a live broadcast. Meanwhile, the Israeli military announced on Tuesday that it had achieved "complete air superiority" over Tehran, claiming to have destroyed a third of Iran's missile launchers. The Israeli statement came after Iranian missiles reportedly struck four different areas in northern and central Israel, killing at least eight civilians, according to the Israeli military.¹⁰

Israeli strikes reportedly killed several top Iranian officials, including General Mohammad Bagheri (Chief of Staff of the Armed Forces) and General Hossein Salami (Commander of the IRGC), in addition to several prominent nuclear scientists, in what was considered a targeted assassination operation. Iran's retaliation was a massive attack targeting Israeli cities such as Tel Aviv, Jerusalem, and Haifa in Operation True Promise 3. According to preliminary data, these Iranian missile attacks killed at least 12 Israeli civilians and injured hundreds more, practically paralyzing normal life and forcing many residents of the occupied territories to take shelter underground.¹¹

⁷Anita Zahra Choirun Nisa, (2025), "Iran-Israel Conflict: Analysis of Factors Influencing the Dynamics of Relations and Their Impacts", *Syntax Literate: Indonesian Scientific Journal*, Vol.10, No.7, pages 8557-8568.

⁸Ibid., page 8561.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

Armed conflict not only impacts members of the armed forces but also causes serious harm to the civilian population. As vulnerable and vulnerable individuals, civilians are particularly vulnerable targets of violence. Recognizing this, International Humanitarian Law (IHL) specifically provides for their protection through Article 27 of the 1949 Geneva Convention IV.¹²

Protection of civilians is based on one of the fundamental principles of humanitarian law, the Principle of Distinction. This principle requires a clear distinction between two categories of groups in armed conflict: combatants and civilians. Although these two groups have different rights, obligations, and consequences in interactions with the enemy, they both share the same fundamental right: the right to be treated humanely.¹³

Every individual in an area of armed conflict must determine their status, as the statuses of Combatant and Civilian are mutually exclusive. Crucially, protections afforded to civilians must be applied without discrimination. Civilians, those not actively participating in hostilities, have the right to respect for their person, family rights, property, and religious freedom under all circumstances.¹⁴

B. Research Methods

A study cannot be called research if it does not have a research method.¹⁵ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.¹⁶

C. Discussion

1. Forms of Violations of the Protection of Civilians According to the 1949 Geneva Convention in the Iran-Israel Conflict

¹²Mirsa Astuti, (2025), "Taking Hostage of Civilians in Armed Conflict According to International Humanitarian Law", SANKSI: National Seminar on Law, Social and Economic Affairs, Vol.4, No.1, pages 161-172.

¹³Ibid.

¹⁴Ibid.

¹⁵Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

¹⁶Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

On Friday, June 13, the Israel Defense Forces (IDF) initiated Operation Rising Lion, a large-scale military campaign designed to cripple the heart of Iran's strategic power. The primary focus of the operation was the systematic destruction of nuclear infrastructure and ballistic missile capability centers considered an existential threat to Israel. In addition to targeting physical assets, the attack also aimed to blind the enemy by massively weakening Iran's air defense system. Beyond hardware destruction, the IDF simultaneously launched precision strikes against Iran's senior military leadership, a tactical move intended to create a command vacuum and cripple Tehran's military coordination amid the onslaught.

A report by the Human Rights Activists News Agency (HRANA) dated June 28, 2025, revealed the scale of the destruction caused by Israeli airstrikes over a two-week period in June. With a total of 5,665 casualties, including 1,190 deaths and thousands of injuries, this attack is considered one of the deadliest episodes to hit Iran this century. The offensive systematically targeted points in 28 provinces, resulting in the destruction of strategic infrastructure, including medical centers that were supposed to be protected zones. The impact of the destruction of these emergency facilities made treating the 4,475 injured extremely difficult, increasing the risk of further deaths. In addition to the suffering caused by the physical attacks, Iran's internal security situation has also deteriorated drastically, marked by repressive actions by security authorities who detained 1,596 people, creating a climate of double fear for civilians caught between foreign military attacks and internal security pressures.¹⁷

Entering the first weekend on June 19, HRANA recorded a total of 2,694 casualties, with the Iranian Ministry of Health reporting it had treated 2,500 wounded, though it declined to release an official death toll. The conflict escalated into the eighth and ninth days as energy facilities and hospitals were targeted, pushing the death toll to 4,261 and forcing the Iranian government to acknowledge for the first time the deaths of dozens of women and children. The situation worsened on the tenth day when the US air force joined in bombing nuclear sites in Natanz and Isfahan, resulting in a death toll of 4,400 and the deaths of three humanitarian workers from the Red Crescent.¹⁸

Next, Iran deployed the Sejjil ballistic missile, a long-range, solid-fuel weapon system with massive destructive power, to attack Israeli territory. The attack, codenamed Operation

¹⁷HRANA News Agency, "Twelve Days Under Fire: A Comprehensive Report on the Iran-Israel War", (2025), <https://www.en-hrana.org/twelve-days-under-fire-a-comprehensive-report-on-the-iran-israel-war/>, accessed 03 February 2026.

¹⁸Ibid.

True Promise 3, was specifically designed to test and penetrate Israel's air defense system. The claimed success of this missile penetration not only increased Iran's military threat profile but also triggered a far more dangerous escalation of conflict in the Middle East.¹⁹

Throughout twelve days of intense armed confrontation, a wave of ballistic missile attacks launched by Iran into Israeli sovereignty has had tragic humanitarian consequences. According to compiled data, the attacks resulted in the deaths of 28 individuals, with alarming field evidence indicating that almost all of the casualties, except for one military personnel, were non-combatant civilians. Beyond the loss of life, the intensity of these attacks has also triggered a massive public health crisis, with more than 3,000 people suffering injuries, both physical injuries from projectiles and building debris, and other medical trauma requiring immediate emergency treatment.²⁰

Officially released data indicates that the absolute majority of casualties were non-combatant civilians, a fact that underscores the disproportionate impact of the attacks on the general population compared to military targets. The Israel Defense Forces (IDF) confirmed that military losses were minimal, with only seven soldiers reportedly injured by a single missile strike in central Israel. Furthermore, only one military personnel was confirmed killed, and that occurred off-duty in the city of Beersheba. This highly skewed ratio strengthens the legal argument that the missile strikes failed to separate military targets from civilian settlements, resulting in the general population suffering far more than active-duty military personnel.²¹

The above data confirms that both Israel and Iran are responsible for significant civilian casualties. The high mortality and injury rates among non-combatants reflect a serious disregard for human rights, particularly the right to protection in war zones. This harsh reality demonstrates that the security protocols and efforts to prevent the negative impacts of conflict implemented by both countries have not been effective enough to separate military targets from civilians. This places both parties in a position of negligence in fulfilling their constitutional and international mandates regarding the protection of citizens from the threat of death.

¹⁹Lukman Rahman Hakim, "Israel-Iran Enters Seventh Day of Worst Conflict in History", (2025), https://umj.ac.id/just_info/israel-iran-memasuki-hari-ketujuh-konflik-terburuk-dalam-sejarah/, accessed on February 3, 2026.

²⁰Emanuel Fabian, "The Israel-Iran war by the numbers, after 12 days of fighting", (2025), <https://www.timesofisrael.com/the-israel-iran-war-by-the-numbers-after-12-days-of-fighting/>, accessed on February 3, 2026.

²¹Ibid.

According to Article 3 of the 1949 Geneva Conventions I–IV, all parties to a conflict are legally obligated to protect those not taking part in hostilities, including combatants who have laid down their arms. This article emphasizes the functional separation between armed forces and civilians, regardless of whether the parties are states or non-state groups. In principle, this article defines civilians as any group of people not involved in the mobilization of arms on behalf of a party to the conflict.²²

Furthermore, attacks on public infrastructure constitute a violation of Article 48 of Additional Protocol I of 1977, which requires parties to a conflict to always distinguish between civilian objects and military objectives. Under this rule, military operations may be directed exclusively against military objectives to ensure the protection of civilian objects from the effects of hostilities.

The military actions carried out by Iran and Israel can be categorized as serious violations of the principle of distinction, a key pillar of international humanitarian law. Based on the fact that attacks by both sides hit various civilian objects, there appears to be a disregard for the legal obligation to distinguish between legitimate military targets and public facilities. This directly impacts civilian casualties among those legally considered non-combatants because they are not actively involved in hostilities.

Furthermore, both countries violated the prohibition against indiscriminate attacks, which is closely and inseparably linked to the principles of proportionality and precaution in the conduct of military attacks. These three principles serve as the primary protection mechanisms for civilians and civilian objects in armed conflict, as well as constraining the means and methods of warfare used by the warring parties. Additional Protocol I of 1977, as a supplementary instrument to the Geneva Conventions, provides a clear normative framework regarding these obligations, particularly in Articles 51 and 57.

The prohibition of indiscriminate attacks is affirmed in Article 51 paragraphs (4) and (5) of Additional Protocol I, which prohibits attacks that are not directed at specific military objectives or that employ means and methods of warfare whose effects cannot be limited as required by international humanitarian law. Such attacks are considered unlawful because they fundamentally fail to allow for adequate distinction between military objectives and the civilian population, particularly when carried out in densely populated areas. The use of weapons with

²²Yunita Maya Putri, et.al, (2021), International Humanitarian Law Case and Material, Yogyakarta: Suluh Media, page 50.

widespread destructive power, such as ballistic missiles or drones, in urban areas increases the risk of widespread damage to civilian objects and civilian casualties, making it difficult to legally qualify as a targeted and legitimate attack.

Furthermore, the prohibition against indiscriminate attacks must be analyzed in conjunction with the principle of proportionality, as enshrined in Article 51(5)(b) of Additional Protocol I. This principle prohibits attacks that are expected to cause harm to the civilian population or civilian objects that is excessive compared to the anticipated concrete and direct military advantage. In the context of the use of weapons of widespread destruction in densely populated civilian areas, the potential for significant civilian casualties and damage is often disproportionate to the potential military advantage, making such attacks potentially in violation of the principle of proportionality. Thus, even if a military objective can be identified, the method of attack chosen may still render the action illegal if the civilian impact is excessive.

In addition, the precautionary principle (precautions in attack) as stipulated in Article 57 of Additional Protocol I emphasizes the obligation of the attacking party to take all reasonable steps to verify the target, choose means and methods of attack that minimize harm to the civilian population, and cancel or postpone the attack if it turns out that the attack has the potential to violate the principle of distinction or proportionality. Failure to apply the precautionary principle, especially in the context of attacks in densely populated civilian areas, strengthens the character of the attack as an indiscriminate attack and adds to the severity of the violation of international humanitarian law that occurred.

2. Iran – Israel's Implementation and Compliance with the Principles of Protection of Civilians in the 1949 Geneva Conventions

In the dynamics of international armed conflict, every sovereign state bears absolute legal responsibility to comply with and implement the principles of civilian protection as mandated in the 1949 Geneva Conventions. This obligation requires every state actor to integrate humanitarian norms into their military doctrine and rules of engagement to ensure the safety of individuals who do not actively participate in hostilities.

Legal principles are the foundation of fundamental thinking that is universal and internalized in all legal instruments. In the context of International Humanitarian Law (IHL), there are several fundamental principles that serve as the main pillars, namely: the principle of humanity, military necessity, proportionality, and the principle of distinction. In addition, IHL also includes the prohibition of the use of weapons or methods that cause unnecessary

suffering, the affirmation of the separation between the law regarding the use of force (*jus ad bellum*) and the law in warfare (*jus in bello*), the establishment of minimum standards for IHL provisions, and full responsibility for the implementation and enforcement of these rules.²³

In a crucial public statement, Prime Minister Benjamin Netanyahu in the early hours of June 13, 2025, asserted that the launch of Operation Rising Lion was Israel's "targeted" response to curb Iran's nuclear ambitions, which it considered a threat to its national existence. Netanyahu highlighted Iran's pursuit of enriched uranium as the fundamental reason behind the massive attack on Tehran's nuclear research centers and strategic enrichment facilities. By targeting key personnel and the physical infrastructure of its nuclear weapons systems, Israel sought to simultaneously cripple Iran's defensive and offensive capabilities. Netanyahu concluded his statement with a firm commitment that the Israeli military would maintain the momentum of this operation over the long term to ensure absolute regional security from the Iranian nuclear threat.²⁴

In response to Operation Rising Lion, the Iranian Revolutionary Guard Corps (IRGC) confirmed the launch of Operation True Promise 3, directed directly at Israeli territory, on the evening of Friday, June 13, 2025. This counter-operation specifically intensified attacks on dozens of strategic installations, including military command centers and air bases belonging to the entity they called the occupying regime.²⁵

Both countries initially wanted to implement the principle of distinction and proportionality in their attacks, but in reality, both countries neglected to implement these principles, resulting in civilian casualties during the 12-day conflict.

On the other hand, in implementing humanitarian principles in accordance with Articles 16-18 of the Fourth Geneva Convention on the wounded and medical care, Iran is striving to implement its domestic humanitarian responsibilities by providing immediate assistance to citizens affected by the escalation of conflict. Initial steps in dealing with the impact of this hostilities were carried out through the mobilization of medical teams, activation of emergency units, and the provision of other humanitarian assistance to minimize the suffering of civilians

²³Mirsa Astuti, (2024), *International Humanitarian Law*, Medan: UMSU Press, page 11.

²⁴Israel Government Press Office, "Netanyahu announces launch of military operation against Iran – video", (2025), <https://www.theguardian.com/world/video/2025/jun/13/netanyahu-announces-launch-of-military-operation-against-iran-video>, accessed on 05 February 2026.

²⁵Iran Wire, "IRGC Launches 'True Promise 3' Operation Against Israel", (2025), <https://iranwire.com/en/news/142070-irgc-launches-true-promise-3-operation-against-israel/>, accessed on February 6, 2026.

in the affected areas. These efforts demonstrate an awareness of the preventive and mitigating obligations of war disasters by the relevant authorities, although the effectiveness of these measures remains tested by the massive destruction of civilian infrastructure and the paralysis of access to health care due to ongoing attacks.

Similarly, Israel demonstrated its post-attack responsibility by expediting the repair of civilian infrastructure and deploying a large-scale team of medical professionals to address emergencies on the ground. These coordinated reactive measures reflect the systematic efforts of domestic authorities to restore the functioning of crucial public services and provide prompt medical intervention for the injured, as part of the state's constitutional and international obligations to mitigate the adverse impact of warfare on civilian populations under its jurisdiction.

Regarding the principle of military necessity, both Iran and Israel are considered to have shown a tendency to ignore the limits of this norm due to the massive use of high-explosive defense equipment that has in fact hit non-military civilian objects. In terms of the Prohibition of Causing Unnecessary Suffering, Iran and Israel are indicated to have committed clear violations through the use of massively explosive missiles and weapons technology with a wide radius of destruction, which in practice has resulted in massive civilian casualties. Regarding Responsibility in the Implementation and Enforcement of International Humanitarian Law (IHL), the real commitment of both countries has not shown clear manifestation, either at the strategic or operational policy level in the field.

On the other hand, the implementation of the principle of strict separation between *Jus ad Bellum* (the law concerning the legitimacy of war) and *Jus in Bello* (the law concerning the conduct of war), as well as adherence to the Minimum Provisions of International Humanitarian Law, remains highly ambiguous in practice. Doctrinally, these two legal regimes should stand alone to prevent humanitarian protection from being held hostage by the debate over who initiated the aggression first. However, the reality of the Iran-Israel conflict demonstrates that these boundaries are often blurred due to strategic calculations by both countries, which tend to prioritize the effectiveness of military action over the benefits of international law.

3. Judge's Consideration Regarding the Increase in Sentence of Stepfather as Perpetrator of Forced Sexual Relations Analysis of Kisaran District Court Decision Number 253/Pid.Sus/2025/PN.Kis.

With regard to responsibility for civilian populations, every state involved in an armed conflict bears an absolute obligation to comprehensively comply with the provisions of the Geneva Conventions. The primary legal basis for this obligation is contained in Article 1 of the Geneva Conventions, which explicitly states that every Contracting State must respect and ensure respect for the entire contents of the Conventions under all circumstances without exception. The phrase "under all circumstances" carries a very strong legal meaning, namely that the obligation to protect civilians is absolute and does not depend on the principle of reciprocity. This means that even if the opposing party commits a violation, the state concerned remains obliged to comply with international humanitarian law.

In accordance with Article 91 of Additional Protocol I of 1977, any party to a conflict found to have violated the norms of the Convention or this Protocol bears a legal obligation to pay compensation. This responsibility is comprehensive, encompassing all acts committed by members of its armed forces without exception. However, it is important to note that this obligation for compensation does not arise automatically simply because of a technical violation; this provision applies only when "the case so demands." This means that for the obligation to pay compensation to arise, the violation must have caused actual loss or damage, both material and personal, to the affected party.²⁶

In other cases, any serious violation in armed conflict, particularly failure to comply with the norms of international humanitarian law, can legally be categorized as a war crime. This is based on the principle that any act that disregards the protection of civilians, carries out indiscriminate attacks, or destroys protected objects is not merely an administrative violation but an international criminal offense that demands personal and state responsibility. Therefore, disregard for the rules of warfare agreed upon in the Geneva Conventions and their Additional Protocols provides a legal basis for international judicial institutions to prosecute to ensure justice for victims and end impunity in conflict situations.

In the Geneva Conventions of 12 August 1949 and their 1977 Additional Protocols, serious violations of the rules of war are categorized as grave breaches. Under the common articles (Articles 49, 50, 129, and 146) of Conventions I to IV, signatory states are obliged to develop national regulations to provide effective criminal sanctions for both perpetrators and

²⁶International Committee of the Red Cross, (2026), "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977", <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-91/commentary/1987?activeTab=>, accessed on February 8, 2026.

those who order such violations. The same terminology is reaffirmed in Articles 85 and 86 of the 1977 Additional Protocols.²⁷

Haryomataram emphasized that the obligations of States Parties extend beyond formal compliance with the Convention to include the responsibility to ensure its effective implementation. This implies that States need not simply issue instructions or regulations for military and civilian personnel to comply with the Convention's provisions, but must also incorporate strict and ongoing oversight mechanisms. Thus, States bear an active responsibility to monitor the implementation of these instructions in the field to ensure that humanitarian law norms are truly upheld and respected by all levels of their authorities.²⁸

This obligation is stipulated in Article 49 paragraph (1) of the First Geneva Convention, which is a common provision in all four conventions. This provision affirms the commitment of States Parties to establish the domestic legislation necessary to provide effective criminal sanctions for any individual who commits, or gives orders to commit, grave breaches as defined in the following articles. In an academic context, this article requires the transformation of international norms into national law through concrete criminal legislation, so that states have full legitimacy to take legal action against perpetrators of war crimes.²⁹

Referring to these legal provisions, countries that have ratified the Geneva Conventions bear a constitutional obligation to adopt these international legal instruments into their national legislative systems. This obligation is realized through the issuance of domestic legislation that establishes strict and effective criminal sanctions against legal subjects, both individuals who directly carry out and those who provide instructions to commit serious violations of the Conventions. Thus, ratification is not merely an act of diplomatic formality, but rather a commitment to law enforcement that demands the existence of concrete punishment mechanisms at the national level to eliminate the loophole of impunity for perpetrators of war crimes.³⁰

In light of this, Iran and Israel, as ratifying states of the Geneva Conventions, are legally obligated to uphold these norms if any individual on either side is suspected of involvement in war crimes. This implies that both countries have a legal responsibility to investigate and bring

²⁷Ibid., page 82.

²⁸Yunita Maya Putri, et.al, (2021), Loc.Cit.

²⁹Mirsa Astuti, (2024), International Humanitarian Law, Op.Cit., page 90.

³⁰Ibid.

perpetrators to justice to account for any serious violations, in order to uphold the integrity of international law.

Fundamentally, the state's obligation to integrate International Humanitarian Law (IHL) into the national legislative framework has been comprehensively regulated through Articles 49, 50, 129, and 145 of the Geneva Conventions. From a legal perspective, the successful implementation of IHL rests on three main pillars of the state's obligations: realizing legal legitimacy through the enactment of relevant domestic laws, implementing preventive law enforcement by arresting individuals strongly suspected of committing violations, and organizing an adjudication or trial process for these suspects. These three mandates form an integral unit that demands the state's active responsibility to ensure that any violations of the laws of war are not only prevented but also firmly prosecuted through applicable legal mechanisms.³¹

D. Conclusion

Violations of the protection of civilians under the 1949 Geneva Conventions in the Iran-Israel conflict are manifested through the disregard for the principles of proportionality and distinction, which are fundamental pillars of international humanitarian law. Both Iran and Israel have demonstrated equal negligence in adhering to the rules of war, with their attacks failing to adhere to precautionary measures and instead constituting indiscriminate attacks.

Conceptually, Iran and Israel's implementation and adherence to the principles of civilian protection under the 1949 Geneva Conventions were initially reflected in operational designs that exclusively targeted military installations. This step indicated a commitment to adhering to the principles of distinction and proportionality to localize the kinetic impact of attacks to avoid civilian populations. However, at the execution level, systematic negligence occurred, resulting in casualties among non-combatants, thus deeming both countries to have failed to meet the standards of compliance with these principles. Despite strong indications of non-compliance with other principles, Iran and Israel continued to demonstrate a vestige of commitment to humanitarian principles through the massive deployment of medical personnel to address the injuries and suffering caused by the conflict.

The responsibility of Iran and Israel for the protection of civilians during conflict rests on the obligation of each member state to comply with the provisions of the 1949 Geneva

³¹Ibid.

Conventions in their entirety. Article 91 of the 1977 Additional Protocol I provides a legal basis for parties to a conflict to claim compensation for losses incurred by the opposing party, but this mechanism is optional and inactive without a formal demand. On the other hand, negligence in the conduct of military operations that results in non-combatant civilian casualties opens the door for the planners and executors of attacks to be prosecuted for violations of international humanitarian law, which constitute war crimes. Under the common articles of the Geneva Conventions (Articles 49, 50, 129, and 146), signatory states are obligated to develop national regulations to provide effective criminal sanctions for perpetrators and those who order such violations.

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