



Constitutional Mandate and International Solidarity: A Legal Study of Indonesia's Aid to Victims of the Gaza Conflict

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Abstract: This study examines Indonesia's role in responding to the Gaza conflict, a complex international issue with historical, political, legal, and humanitarian dimensions. The Gaza conflict is one of the most complex international issues because it encompasses these same dimensions. For Indonesia, this issue is viewed not only as a matter of foreign policy, but also as the implementation of the constitutional mandate of the nation's founders, as stated in the Preamble to the 1945 Constitution. The first paragraph affirms rejection of all forms of colonialism, and the fourth emphasizes the nation's obligation to contribute to a world order based on independence, peace, and justice. Based on these principles, Indonesia supports Palestine through political diplomacy, humanitarian aid, and international legal advocacy. However, implementing these measures faces significant obstacles, including the Israeli military blockade, internal political fragmentation in Palestine, and the use of veto power in the UN Security Council by the five permanent member states. This study uses a juridical-normative legal approach to systematically evaluate Indonesia's actions based on international legal frameworks and norms. This allows us to understand Indonesia's consistency in providing assistance to Gaza as the implementation of the anti-colonial principle, as well as a moral contribution and constitutional mandate for world peace.

Keywords: Indonesia, Constitutional mandate, Gaza conflict, Humanitarian Aid, World Peace

INTRODUCTION

Indonesia is one of the countries in the world that has a consistent principle in supporting independence for Palestine. As one of the countries with the largest Muslim population, Indonesia has maintained a consistent stance on the Israeli-Palestinian conflict since its inception. Various research findings have examined that Indonesia has taken various diplomatic steps to achieve peace in Gaza. Some of these initiatives include intensive communication, multilateral diplomacy, and approaches in humanitarian diplomacy. All of these efforts are a form of positive contribution made by Indonesia in implementing the constitutional mandate to achieve world peace in the Middle East. Furthermore, the study emphasizes that Indonesia's diplomatic initiatives towards Palestine are multidimensional, covering political and humanitarian aspects, as well as support in international forums such as

the United Nations. This strengthens Indonesia's position as a country that is not only consistent with its constitutional mandate but also plays a strategic role in global politics (Yulianto, 2018).

Indonesia's foreign policy stance in supporting the Palestinian people's struggle is rooted in the constitutional mandate contained in *the 1945 Constitution of the Republic of Indonesia*, Amendment IV, Preamble Paragraph I and Paragraph 4, which explicitly states that:

Paragraph I: *"That independence is the right of all nations and therefore colonialism in the world must be abolished because it is not in accordance with humanity and justice."*

Paragraph IV: *"... participate in establishing world order based on freedom, eternal peace, and social justice ..."*

This fundamental principle makes Indonesia's position consistent in rejecting all forms of colonialism, including Israel's occupation of Palestine. Indonesia's support for Palestine is not only driven by foreign policy factors, but is also an implementation of the nation's constitutional mandate to fight for peace, justice, and human rights in the international arena (Constitution of the Republic of Indonesia, 1945). Through diplomacy, multilateral forums such as the United Nations and the Organization of Islamic Cooperation (OIC), and the distribution of humanitarian aid, Indonesia has demonstrated its commitment that the constitutional mandate is not merely a normative slogan, but a concrete guideline that directs the state's attitude and actions in solidarity with Palestine.

The Israeli-Palestinian conflict has proven to be one of the significant moral dilemmas of the modern era. The State of Israel was officially established in 1948, although plans for its formation had been drawn up more than a century earlier. In November 1917, the British government issued the Balfour Declaration, which stated its determination to support "the establishment of a national home for the Jewish people in Palestine." The British government supported the establishment of "a national home for the Jewish people in Palestine" on the condition that it would not prejudice the civil and religious rights of non-Jewish communities already living in Palestine, nor the rights and political status of Jewish communities in other countries (Shlaim, 2016). Since the declaration, the Palestinian territory has been a point of contention between the aspirations of the Jewish people and the rights of the Palestinian Arab community that had inhabited the land for centuries. Tensions escalated with the wave of Jewish migration facilitated by colonial powers, which then led to resistance from the local population.

The crisis in Gaza is a long-standing conflict and a serious issue among Muslim countries. Various parties have made a number of diplomatic efforts to find a solution, but the conflict continues. The Palestinian issue in the Middle East can be understood through three main dimensions. First, as an Arab-Israeli issue, in which almost all Muslim countries do not recognize Israel's sovereignty and consider the occupied territories to be Arab land that has been illegally occupied. Second, as a Palestinian-Israeli conflict, which includes the issue of the identity of the Palestinian people who have lived in the occupied territories since 1967, especially in Gaza, the West Bank, and East Jerusalem. This situation is exacerbated by Israel's continued occupation of these territories and the large-scale construction of settlements for Israeli citizens, which has resulted in the expulsion of Palestinian refugees abroad. Third, this conflict also has a religious dimension, which has intensified since the fall of Jerusalem, one of the three holy cities of Islam, to Jewish occupation (Sinkaya, 2016).

The establishment of Israel in 1948 was accompanied by war and the mass displacement of the Palestinian people, which in their historical narrative is known as the Nakba or "catastrophe." This event marked the beginning of a prolonged conflict that has yet to find a permanent solution. Issues of identity, land rights, and political recognition are fundamental issues that continue to fuel cycles of violence, while peace efforts are often hampered by ideological differences, geopolitical interests, and the involvement of major powers in the

region. The establishment of the State of Israel in 1948 was accompanied by conflict and the mass exodus of the Palestinian people, which in their narrative is known as the Nakba or "catastrophe". The Nakba marked the beginning of a conflict that continues to this day, in which issues of identity, land rights, and political recognition remain fundamental, triggering a cycle of violence that is difficult to break. Khalidi (1992) documented 418 Palestinian villages that were destroyed or depopulated as a central part of the Nakba, recording the widespread physical and demographic impact. Meanwhile, Zureiq (1948), one of the first Arab intellectuals to define the Nakba as a "great catastrophe," articulated the traumatic nature of the event directly from a contemporary perspective. This narrative emphasizes that the Palestinian-Israeli conflict is not merely a territorial war, but also an ongoing cultural, identity, and humanitarian tragedy.

To date, no agreement has been able to guarantee permanent peace between Israel and Palestine, despite various reconciliation efforts supported by many international parties. Various negotiations, ranging from the Oslo Accords in the 1990s to the latest peace proposals, have repeatedly raised hopes, but ultimately failed due to deep mistrust, conflicting claims over territory, and an unwillingness to compromise on key issues such as the status of Jerusalem, the right of return for Palestinian refugees, and Israel's security guarantees. The involvement of major countries and regional powers has provided some impetus, but has often been hampered by conflicting geopolitical interests (Shlaim, 2016). As a result, lasting peace remains elusive, while cycles of violence and humanitarian crises continue to overshadow generations on both sides.

Ideological and political differences are the main factors that continue to exacerbate tensions between Israel and Palestine (Frisch & Sandler, 2004). For Israel, the ideology of Zionism and the historical narrative of the "promised land" are the basis for the legitimacy of the State of Israel's existence, so that any compromise that could potentially reduce its claim to the land is considered an existential threat. Meanwhile, for the Palestinian people, the struggle to maintain national identity, rights to ancestral lands, and rejection of Israeli occupation are seen as part of a moral, political, and religious obligation. In this framework, conservative groups on both sides play a central role by asserting hardline positions based on their respective ideological ambitions (Maoz et al., 2002).

Although peace efforts have been made through various diplomatic channels, the unwillingness to compromise on the part of conservative groups has often been a major obstacle. For example, some Israeli political elites reject the possibility of establishing an independent Palestinian state on the grounds of security and historical claims, while certain Palestinian factions insist that recognition of the state of Israel is tantamount to betraying the aspirations of the displaced Palestinian people. This situation is further complicated by external factors, such as the support of major countries that often take sides based on geopolitical interests, thereby reinforcing extreme ideological stances (Falah, 2005). Thus, the Israeli-Palestinian conflict is not only a territorial dispute, but also a deep ideological clash, which makes the road to peace even more difficult to navigate. Amidst this complexity, it is important to see how other countries, including Indonesia, view the issue of global peace and take a position in the efforts to resolve it.

Quoting the words of the 13th Vice President of Indonesia (2019-2024), Prof. Dr. (H.C.) K.H. Ma'ruf Amin, S.H., M.A., while attending *the Human Fraternity Majlis* 2024 on February 4, 2024, at the Abrahamic Family House, Abu Dhabi, United Arab Emirates. He stated the following:

"Indonesia supports every initiative that can contribute to achieving world peace and justice, as this is also mandated by our Constitution and has become part of Indonesia's foreign policy DNA."

This statement reinforces that Indonesia's diplomatic efforts are not merely a matter of foreign policy interests, but also a reflection of the nation's identity and constitutional mandate (Vice President of the Republic of Indonesia, 2024). This commitment is even more relevant when linked to the principles of Indonesia's foreign policy, which adheres to the principle of free and active diplomacy, namely the freedom to determine its stance without being tied to any bloc, as well as actively playing a role in maintaining world peace and justice (Meydilanie et al., 2024). With this foundation, Indonesia has not only consistently voiced its support for Palestine, but also acted as a mediator and driver of global solidarity through international forums and humanitarian actions. This shows that Indonesia's diplomacy does not stop at rhetoric, but is manifested through concrete steps that affirm the nation's position as an important actor in realizing peace.

Another important aspect to consider is the socio-political context in which a country exists, as this greatly influences the nature and form of its expression. In the early days of Indonesia's independence, Soekarno recognized the need for international support to strengthen the nation's autonomy and sovereignty. In the course of global politics, Indonesia then emerged as one of the founding members. This movement was born out of the spirit of the Third World countries, which was reinforced at the 1955 Bandung Conference, and was formally established in the early 1960s, not only to affirm the solidarity of developing countries, but also to call on the major powers to abandon their Cold War-style power politics in the Third World. In this context, Soekarno played an important role by introducing the concept of Third World countries in Non-Aligned Movement meetings (Chan, 2018). Through its active involvement, Indonesia positioned itself as one of the driving forces of global progressive forces committed to fighting colonialism and imperialism in all its forms (Yeremia, 2020).

Indonesia's first president, Soekarno, took a very firm stance in supporting Palestinian independence. For him, the Palestinian people's struggle against colonialism was part of a universal mandate to oppose all forms of colonialism. In 1962, Soekarno loudly declared that as long as the Palestinian people had not been granted their independence, the Indonesian people would continue to stand against Israeli colonialism. This political stance was not only reflected in statements, but also manifested in concrete actions (Novan & Srifauzi, 2020).

An important event occurred in July 1957 when Indonesia's national soccer team refused to play against Israel in the 1958 World Cup qualifiers in Sweden. This decision was not just a sports issue, but also a manifestation of Indonesia's foreign policy under Soekarno's leadership (Muin, 2021). Soekarno emphasized his refusal to recognize Israel as a state, so the match was seen as contrary to Indonesia's free and active foreign policy principles and its consistent rejection of all forms of colonialism. Soekarno's stance demonstrated Indonesia's commitment to upholding international solidarity, particularly with the Palestinian people, and reinforced Indonesia's position as a nation dedicated to combating all forms of colonialism. However, the reality on the ground shows that the Palestinian people's struggle is far from over. The international solidarity that has echoed since Soekarno's era faces severe challenges due to the ongoing regional conflict. This is evident in the major escalation that occurred on October 7, 2023, when Hamas launched an attack on Israel.

The Palestinian people's experience of injustice triggered a large-scale escalation on October 7, 2023, when Hamas attacked Israel (Zhafira, 2023). According to Hamas spokesman Khaled Qadomi, the attack was intended to draw international attention to the destruction of important Islamic sites, including the Al-Aqsa Mosque, and to stop the violence (CNBC Indonesia, 2023). The blockade that Israel has imposed on the Gaza Strip has exacerbated the region's humanitarian crisis. Closing humanitarian aid access hinders the distribution of basic necessities and directly destroys local food production capacity, causing communities to lose their source of necessities (Arab News, 2025). Recent research reveals that Israel's war policy against Gaza in 2023 caused an extremely severe humanitarian impact on Palestinians.

According to official data from the Gaza Ministry of Health as of July 31, 2025, the death toll is estimated at 60,199 people, including 18,430 children, 9,735 women, 27,605 men, and 4,429 elderly individuals (United Nations Office for the Coordination of Humanitarian Affairs, 2025). Meanwhile, independent reports estimate a much higher death toll of around 84,000, including direct and indirect victims, such as those who died from starvation, disease, and the collapse of the health system (Middle East Monitor, 2025).

Due to the complexity of the situation, it is clear that Israel's blockade and military policies against Gaza affect not only politics and security, but also the humanitarian, social, and health aspects of society. This situation underscores the importance of conducting comprehensive scientific studies to understand the impact on Palestinian civilians. This lines up with the Indonesian constitution's mandate to participate in maintaining world peace. Thus, this study was designed to systematically analyze the humanitarian impact of these policies using a relevant methodological approach to provide an objective basis for academic discourse and policy recommendations.

METHOD

This study employs a normative legal approach, focusing on positive legal norms, legal principles, and applicable legal doctrines. The study examines the form and role of humanitarian aid provided by Indonesia to the people of Gaza, Palestine, with a focus on the Palestinian National Authority's support for the fulfillment of their basic needs. The provision of such assistance is a reflection of both humanitarian solidarity and the mandate of the Indonesian constitution, as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia. This normative legal research examined primary legal materials, including the 1945 Constitution of the Republic of Indonesia, the UN Charter, the 1949 Geneva Convention, and Constitutional Court of the Republic of Indonesia Decision No. 13/PUU-XVI/2018. Additionally, the study uses secondary legal materials, including law books, scientific articles, news, journals, and legal expert opinions.

RESULTS AND DISCUSSION

Normative Basis: 1945 Constitution, UN Charter, 1949 Geneva Convention, and Constitutional Court Decision

The preamble to the 1945 Constitution contains constitutional mandates that form the main basis for Indonesia's foreign policy, particularly in responding to the Gaza conflict. The first paragraph states that "independence is the right of all nations and therefore, colonialism in the world must be abolished, because it is not in accordance with humanity and justice". This formulation contains the philosophical meaning that Indonesia rejects all forms of colonialism and occupation, including that experienced by the Palestinian people under Israel. Thus, Indonesia's stance in supporting Palestinian independence is a direct manifestation of the constitutional mandate. Furthermore, the fourth paragraph affirms the goal of the Indonesian state to "participate in establishing world order based on freedom, eternal peace, and social justice". This principle gives Indonesia a constitutional mandate to play an active role in efforts to maintain world peace, including through the provision of humanitarian aid to victims of the Gaza conflict (Constitution of the Republic of Indonesia, 1945).

In addition, several articles of the 1945 Constitution are also relevant as a normative basis. Article 11 paragraph 1 of the 1945 Constitution reads "The President, with the approval of the People's Representative Council, declares war, makes peace and agreements with other countries" and paragraph 2 "The President, in making other international agreements that have broad and fundamental consequences for the lives of the people related to the financial burden of the state, and/or require changes or the formation of laws, must have the approval of the

House of Representatives." This is the formal basis for Indonesia's participation in international cooperation, including humanitarian cooperation for Gaza. Article 13 of the 1945 Constitution, which regulates diplomatic relations through the appointment of ambassadors and consuls, also legitimizes the Indonesian government in establishing diplomacy to support the Palestinian struggle.

Furthermore, Articles 28A–28J of the 1945 Constitution (Amendment II) guarantee human rights, including the right to life, security, and protection from discrimination. This principle is in line with international humanitarian law, particularly the Geneva Conventions, which protect civilians in armed conflict. Thus, the mandate of the Indonesian constitution not only applies in the national context, but also strengthens the moral and legal legitimacy for Indonesia to voice and support the protection of Palestinians from human rights violations and military aggression. As a follow-up to this constitutional principle, it is also important to review how the legal mechanisms in Indonesia regulate the involvement of state institutions in international agreements, particularly those related to human rights and world peace.

The Charter of the United Nations (1945) affirms fundamental principles in international relations, including respect for state sovereignty, the right to self-determination, and the obligation to maintain international peace and security. Article 1 of the UN Charter explicitly states that the main objectives of this international organization are to maintain international peace and security, uphold the principle of equal rights, and recognize the right of nations to determine their own destiny. This principle is highly relevant to the Palestinian issue, where the Palestinian people have historically been denied their rights to sovereignty and self-determination as a result of Israel's occupation of Gaza, the West Bank, and East Jerusalem.

In addition, the UN Charter emphasizes the prohibition of the use of force in international relations except for the purpose of self-defense. This is confirmed in Article 2 paragraph 4 of the UN Charter, which reads as follows:

"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 principle of Article 2 paragraph (4) of the UN Charter reinforces Indonesia's foreign policy stance of being anti-aggression, pro-sovereignty, and pro-world peace. In the context of Gaza, Israel's military attacks targeting civilian areas raise international legal issues because they potentially violate the principle of prohibition of aggression and the obligation to protect civilians. Thus, the UN Charter is not only a moral guideline, but also a global legal basis that strengthens the legitimacy of the Palestinian struggle and supports Indonesia's stance in calling for an end to military aggression and the provision of humanitarian aid (United Nations, 1945).

In line with this, the 1949 Fourth Geneva Convention provides a clear legal basis for the protection of civilians in occupied territories, including their right to safety, security, and access to basic necessities. This international legal instrument also obliges the parties to the conflict to ensure the availability of humanitarian corridors for the distribution of aid, whether in the form of food, medicine, or medical protection. In the context of the Gaza crisis, the Fourth Geneva Convention is relevant because the situation in the region reflects a state of prolonged occupation, in which Palestinian civilians are often victims of violence, blockades, and limited access to humanitarian aid (International Committee of the Red Cross, 1949). The implementation of the principles of the Fourth Geneva Convention affirms Israel's obligation as the occupying power to protect the Palestinian civilian population and open the door to international aid, including contributions from Indonesia, in order to alleviate the humanitarian suffering that is occurring.

Compliance with the Fourth Geneva Convention paves the way for the application of broader principles of international humanitarian law (IHL). This allows for the effective protection of civilians and regulation of military force in armed conflicts, including those in Gaza. IHL is highly relevant in the context of the Gaza conflict because its basic principles focus on protecting civilian victims and restricting the means and methods of warfare (International Committee of the Red Cross, 2020). In the current conflict between Israel and Palestine, particularly in densely populated areas like Gaza, the humanitarian principles of IHL emphasize minimizing human suffering and respecting the basic rights of civilians. The principle of proportionality is also important because it regulates the use of force, ensuring that military force is not excessive and does not cause far greater harm than the military advantage gained. Applying International Humanitarian Law to the Gaza conflict is also vital to enforcing legal accountability so that those who target civilians can be held accountable in the international legal sphere. Respecting international humanitarian law in this context not only upholds humanitarian values but also strengthens the global legal order that prohibits cruelty against protected groups (Sassoli, 2019).

With the principles of international humanitarian law as a foundation, the state needs to ensure that every decision related to international agreements, especially those that impact security, sovereignty, and the protection of civilians, is still in accordance with constitutional provisions and legislative oversight mechanisms. Constitutional Court of the Republic of Indonesia Decision No. 13/PUU-XVI/2018 examined the constitutionality of Article 10 of Law No. 24 of 2000 on International Agreements. The Constitutional Court of the Republic of Indonesia considered that the article limiting the involvement of the House of Representatives of Republic of Indonesia to only certain agreements is as follows: a. agreements relating to political issues, peace, defense, and state security; b. agreements relating to changes in the territory or determination of the boundaries of the Republic of Indonesia; c. agreements relating to the sovereignty or sovereign rights of the state; d. agreements relating to human rights and the environment; e. agreements relating to the establishment of new legal rules; f. agreements relating to foreign loans and/or grants.

The Constitutional Court of the Republic of Indonesia ruled that, Article 10 of Law No. 24 of 2000 is conditionally unconstitutional because it interprets the involvement of the House of Representatives narrowly and is inconsistent with Article 11 of the 1945 Constitution. According to the Constitutional Court, Article 11 paragraphs (1) and (2) must be read complementarily. In this ruling, the Constitutional Court interpreted that Article 11 paragraphs (1) and (2) of the 1945 Constitution must be read complementarily. Paragraph (1), which was drafted during the 1945 BPUPKI era, only mentions war, peace, and inter-state agreements. However, through amendments, paragraph (2) broadens the scope by mentioning "other international agreements that have a broad and fundamental impact on the lives of the people, are related to the financial burden of the state, or require the formulation of laws." With this interpretation, the Court emphasized that the involvement of the House of Representatives of Republic of Indonesia should not be narrowed down to categories a–f in Law No. 24 of 2000, but should extend to all international agreements that have a fundamental impact, both between states and with international organizations. The minutes of the Constitutional Court of the Republic of Indonesia Decision No. 13/PUU-XVI/2018 show a discussion on how the President's authority to enter into international agreements, declare war, and make peace must be accompanied by the approval of the House of Representatives of Republic of Indonesia. This shows that there has been an awareness from the outset that foreign policy, especially regarding war and peace, cannot be determined unilaterally by the executive.

Constitutional Court of the Republic of Indonesia Decision No. 13/PUU-XVI/2018 provides a new interpretation of Article 11 of the 1945 Constitution of the Republic of Indonesia by emphasizing that international agreements that have broad implications must be

approved by the House of Representatives of Republic of Indonesia. This interpretation has important consequences for Indonesia's response to the Gaza conflict. The Constitutional Court's decision also strengthens Indonesia's peace diplomacy. Because decisions regarding war and peace must go through constitutional mechanisms, Indonesia's stance in promoting a ceasefire and peace in Gaza has stronger moral and political legitimacy. In other words, constitutionality is not only a legal instrument but also diplomatic capital in strengthening Indonesia's role in the international community. In this case, the Constitutional Court of the Republic of Indonesia has given moral weight to Indonesia's diplomacy by ensuring that every foreign policy is carried out in accordance with democratic and constitutional mechanisms. This certainty confirms that Indonesia's diplomacy is rooted in the mandate of the 1945 Constitution to achieve lasting peace and social justice.

Born out of the struggle against colonialism, Indonesia bases its foreign policy on the principles of anti-colonialism and humanitarian solidarity. This is clearly reflected in the Preamble and articles of the 1945 Constitution, which not only regulate the life of the nation and state, but also contain a moral mandate to participate in the struggles of other nations that are still under oppression. Mohammad Hatta, in a session of the Indonesian Independence Preparatory Investigation Committee (BPUPKI), emphasized the need for Indonesia to have a free and active foreign policy, i.e., not tied to any particular power bloc, but actively fighting for international justice and peace. According to the minutes, this vision stemmed from Indonesia's experience suffering under colonialism (Hatta, 1948). Thus, when the Palestinian people faced Israeli occupation, which deprived them of their right to independence, the Indonesian constitution's mandate provided strong legitimacy for Indonesia's involvement in supporting the Palestinian struggle for independence, whether through diplomacy, humanitarian aid, or advocacy in international forums.

Implementation of the Constitutional Mandate in Indonesia's Humanitarian Action for the Crisis in Gaza

Indonesia has affirmed its commitment to humanitarian diplomacy for Palestine through various forms of assistance, both financial and non-financial. Within the framework of South-South Cooperation (SSC), Indonesia has consistently organized capacity building programs for the Palestinian people, covering the sectors of agriculture, fisheries, health, information technology, and infrastructure development. This scheme represents a pattern of cooperation between developing countries that is oriented towards the exchange of knowledge, skills, and resources (Suratiningsih et al., 2020). On the other hand, Indonesia's contribution is also manifested through direct financial assistance, one of which is in the form of a grant of Rp20 billion distributed in 2012 for the construction of the Indonesian Cardiac Center at Al-Shifa Hospital, Gaza, as an effort to strengthen Palestinian public health services. This ongoing support not only affirms Indonesia's solidarity with the Palestinian struggle, but also demonstrates a strategic effort to reduce humanitarian suffering while strengthening Indonesia's role in global humanitarian diplomacy (Ministry of Health of the Republic of Indonesia, 2011). Through strategic investment in the health sector, Indonesia seeks to reduce the suffering of the Palestinian people and strengthen its role in international humanitarian diplomacy. Indonesia's commitment, as manifested through the support of state institutions, is also reinforced by the contribution of non-governmental organizations, particularly the national zakat management agency. The role of these non-state actors shows that humanitarian diplomacy does not only depend on formal foreign policy instruments, but also involves the synergy of civil society in strengthening solidarity with Palestine.

In 2018, the National Zakat Agency (BAZNAS) signed an agreement with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to support Palestinian humanitarian programs, which required the National Zakat Agency to

deposit a commitment fund of USD 150,000 or around IDR 2.28 billion. This deposit contributed up to 90.12% of the total humanitarian aid distributed by the National Zakat Agency to Palestine that year. This assistance supported educational programs at Talbieh School and the operation of a health center in the Talbieh refugee camp. This was marked by a memorandum of understanding between the National Zakat Agency and UNRWA on October 16, 2018 (UNRWA, 2018). The implementation of the aid program continued through the distribution of medicines and educational facilities. Furthermore, on April 21, 2019, the National Zakat Agency aid was again realized in the form of the development of health services. The inauguration of the new facility in the Talbieh camp was carried out directly by Prince Hassan Bin Talal of Jordan. The clinic provides eye and ear, nose, and throat services and supported by the distribution of medicines to various refugee camps through collaboration with the Jordan Hashemite Charity Organization (JHCO) and Medical Aid for Palestinians (MAP) Jordan (National Zakat Agency, 2019).

In 2018, the National Zakat Agency recorded the largest contribution of zakat distribution for Palestinian humanitarian aid, with a value of IDR 2,531,430,175.00. This figure represents the peak of zakat fund distribution and is one of the important milestones in supporting the needs of the Palestinian people (Ridha et al., 2022). Entering 2019, the National Zakat Agency expanded its support through collaboration with the Indonesian Ulema Council (MUI) for the construction of the Indonesian Hospital in Hebron in the West Bank. This assistance took the form of the disbursement of the first phase of funds worth IDR 439.4 million, which was the first step in the realization of a health facility project that was greatly needed by the Palestinian people (Indonesian Ulema Council, 2021).

Unfortunately, in 2020, the Covid-19 pandemic hit the world and significantly affected the priorities of the aid program. The National Zakat Agency also shifted most of its focus on fund distribution to mitigate the impact of the pandemic, covering health, economic, and domestic food aspects. Nevertheless, the commitment to Palestine was maintained, despite fluctuations in the amount of aid distributed that year (Ridha et al., 2022). Furthermore, in 2021, the National Zakat Agency again distributed the second phase of aid for the construction of the Indonesian Hospital in Hebron, with a value of IDR 597.2 million. During the same period, infaq and alms contributions also reached their highest level throughout the study, amounting to IDR 597,268,865.00. This shows that even though the pandemic disrupted the stability of aid, the solidarity of the Indonesian people towards the Palestinian people's struggle remained consistent and continued to be maintained (Indonesian Ulema Council, 2021; Ridha et al., 2022).

Despite fluctuations in the amount of aid distributed, the National Zakat Agency commitment to supporting Palestine remains consistent. This reflects the solidarity and concern of Indonesian Muslims for the suffering of the Palestinian people and shows that zakat, infaq, and alms can be important instruments in helping others at the international level. In addition to cooperation with partner organizations, Indonesia's support is also evident in the direct involvement of the government and national humanitarian agencies (Indonesian Ulema Council, 2021).

Indonesia has consistently provided various forms of humanitarian aid to Gaza through coordination between the government, humanitarian agencies, and international partners. One example of this support is the delivery of 51.5 tons of basic necessities on November 4, 2023, coordinated by the Indonesian government together with the National Zakat Agency, Indonesian Red Cross, Humanitarian Forum Indonesia, and the Indonesian National Armed Forces. This aid package included water purifiers to address the clean water crisis, easily distributed medical equipment and medicines, non-perishable food items that do not require special storage, tents, blankets, and other logistical needs tailored to the conditions in Gaza. A few days later, on November 6, 2023, the second phase of aid worth IDR 31.9 billion and

weighing 21 tons, consisting of medicines, hospital supplies, food, and other necessities, was also dispatched by President Joko Widodo at the Halim Perdanakusuma Air Force Base in Jakarta. This was followed by the shipment of 21.7 tons of basic necessities and hygiene supplies on November 20, 2023 (Secretariat of the Cabinet of the Republic of Indonesia, 2023). Throughout December 2023, Indonesia gradually sent aid in the form of six container trucks (December 4), ten container trucks (December 18), and three container trucks (December 28), all of which contained basic necessities.

In early January 2024, the Medical Emergency Rescue Committee (MER-C) again distributed humanitarian aid to Palestinian refugees in southern Gaza. On January 5, 2024, MER-C volunteers distributed food to around 1,600 refugees in Khan Younis by providing 300 kilograms of goat meat and 75 kilograms of rice, in line with the tradition of Gaza residents who usually eat rice together on Fridays. Three days later, on January 7, 2024, the distribution capacity was significantly increased. MER-C successfully distributed 5,800 servings of prepared meals to three refugee locations, including two schools and one additional location housing around 4,000 refugees. The menu consisted of fennel beans cooked in 13 large pots. This effort demonstrates MER-C's adaptation to local needs and the increase in the number of refugees, while also illustrating the organization's consistency in assisting Gaza residents amid the ongoing conflict (Medical Emergency Rescue Committee, 2024).

Furthermore, on February 14, 2024, Indonesia distributed a large amount of aid, reaching 242.6 tons of basic necessities, to the Indonesian Navy's hospital ship, KRI dr. Radjiman Wedyodiningrat-992, followed by the delivery of 14 tons of basic aid on March 29, 2024, in collaboration with the Jordanian government. Then, on April 3, 2024, the Indonesian government sent medical aid and health equipment worth IDR 30 billion. The aid included medicines, medical equipment, and ambulance supplies such as syringe pumps and anesthetics. The aid was dispatched directly by President Joko Widodo at Halim Perdanakusuma Air Base, Jakarta (Secretariat of the Cabinet of the Republic of Indonesia, 2023). This series of shipments demonstrates Indonesia's consistency in supporting the people of Gaza through humanitarian diplomacy, with an aid distribution pattern that involves collaboration between domestic institutions and international partners.

Indonesia's commitment does not stop at humanitarian aspects alone. Indonesia is also actively promoting conflict resolution through concrete international diplomatic efforts, including pressing for an immediate ceasefire and strengthening support for the implementation of a two-state solution. The two-state solution is seen as the most realistic option for Palestine and Israel to coexist peacefully, as well as a long-term mechanism to prevent the recurrence of cycles of violence in the future.

Indonesia has consistently voiced this position in various international forums, including at the International Summit where Indonesian Defense Minister Prabowo Subianto, in 2024, emphasized that Palestinian independence is a key requirement for achieving sustainable peace. In addition, Indonesia's support is also reflected through humanitarian diplomacy, such as collaboration with the Jordanian and Egyptian governments in distributing logistical and medical aid, as well as Indonesia's role in the United Nations (UN), which continues to emphasize the urgency of ending violence and protecting civilians (Ministry of Defense of the Republic of Indonesia, 2024). This stance demonstrates a balance between immediate humanitarian response and long-term political-diplomatic strategies for permanent peace in the Middle East. This is in line with Indonesia's political support for Palestine, which stems from its constitutional mandate and the principle of free and active foreign policy.

Based on the constitutional mandate that emphasizes that colonialism in the world must be abolished because it is incompatible with humanity and justice, Indonesia places humanitarian solidarity as an integral part of its foreign policy. Under the administration of President Prabowo Subianto, this principle is manifested in concrete steps to help the

Palestinian people who are facing a crisis in Gaza. The President of the Republic of Indonesia has affirmed the country's commitment to providing humanitarian support to the wounded, children, and Palestinian civilians affected by the conflict. As a follow-up, the President has instructed the Minister of Foreign Affairs to immediately consult and coordinate with the Palestinian authorities and relevant international actors, with the aim of formulating an effective and measurable mechanism for the distribution of aid. The delivery of aid by air through the Indonesian Air Force, the provision of medical facilities on Galang Island, and the readiness to deploy peacekeeping troops reflect that Indonesia is not merely engaging in political rhetoric, but is actually providing protection and humanitarian support (ANTARA News, 2025).

In 2024, Indonesian Defense Minister Prabowo Subianto reaffirmed Indonesia's commitment to continue supporting the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) by sending additional aid, including medical personnel, field hospital staff, and hospital ships. Indonesia is also committed to participating in the delivery of air aid as needed. Not only that, Indonesia has stated its willingness to accommodate around 2,000 war victims from Gaza, along with medical facilities and accommodation for accompanying families. They are temporarily being treated at the COVID-19 Special Hospital on Galang Island, before being repatriated once their condition improves (The Guardian, 2018).

Indonesia's long history of contributions to Palestine, in the form of political support, diplomacy, and humanitarian aid, has become an important foundation for its consistent stance on the international stage. This commitment continued beyond the previous administration and remains a tangible manifestation of the constitution and humanitarian solidarity. In this context, under the administration of President Prabowo Subianto and Vice President Gibran Rakabuming Raka, Indonesia's foreign policy regarding Palestine shows continuity and strength.

Table 1. Indonesia's Role in Humanitarian Aid and Diplomacy for Gaza in 2025

Form of Assistance	Implementer/Delivery	Purpose
Air-drop of food aid and basic necessities	Indonesian Air Force (C-130J Hercules)	Delivered on August 17, 2025, by the Garuda Merah Putih II Task Force.
Construction of medical facilities on Galang Island	The Indonesian Government	Indonesia is preparing medical facilities on Galang Island to treat around 2,000 Gazans wounded in the conflict.
Support for peacekeeping forces and evacuation	President, Indonesian National Armed Forces, Ministry of Foreign Affairs	President Prabowo emphasized Indonesia's readiness to send peacekeepers to maintain peace in Gaza, especially if a ceasefire occurs.
Diplomats and medical teams in conflict zones	Ministry of Foreign Affairs and Indonesian National Armed Forces	Active participation in diplomacy and medical assistance.

The data in the table is compiled from various sources: Antara News (2025), Indonesian Ministry of Foreign Affairs (2025), and Indonesian Presidential Secretariat (2025).

The Indonesian government's commitment to delivering aid demonstrates its efforts to make international solidarity an instrument of diplomacy. The country's active participation in international forums and humanitarian operations reinforces its role as a bridge for peace and a supporter of universal humanitarian values (Ministry of Foreign Affairs of the Republic of Indonesia, 2025). These steps strengthen Indonesia's position as a nation that upholds the constitution's mandate and reinforce its image as a proactive advocate for world peace and solidarity (Secretariat of the President of the Republic of Indonesia, 2025).

The Challenges of the Blockade, Humanitarian Crisis, and Obstacles to International Aid in Gaza

In the context of the increasingly complex Gaza conflict, Indonesia's role in channeling humanitarian aid has become an important instrument of humanitarian diplomacy. However, the current blockade of Gaza by Israel is a major obstacle to the delivery of aid. The blockade not only prevents the entry of basic supplies such as food, medicine, and medical equipment, but also causes a serious logistical crisis for international humanitarian agencies. This situation is exacerbated by the destruction of critical infrastructure, such as distribution channels and health facilities, which limits the ability of aid to reach those in need.

Indonesia's support for Palestine has strong fundamentals. This principle is in line with Indonesia's free and active foreign policy, which actively supports the struggle for independence of nations, including Palestine (Sukma, 2011). In addition, the factor of Islamic solidarity also strengthens Indonesia's moral position in fighting for the rights of the Palestinian people in the international arena (Anwar, 2020). However, in practice, there are a number of international political obstacles. First, the tug-of-war between global interests in the Middle East has turned the Gaza conflict into a geopolitical issue, rather than simply a humanitarian one. The United States and several of its allies have shown strong support for Israel, thereby influencing the direction of international policy (Mearsheimer & Walt, 2007). Second, mechanisms in the UN Security Council are often deadlocked due to the use of veto power by major countries, which has repeatedly thwarted resolutions to protect the Palestinian people (Bellamy, 2020). Third, Palestine's status, which has not been fully recognized as a full member state of the UN, limits the legitimacy of international law to provide effective protection for the Palestinian people.

In addition, there are also obstacles in the realm of international diplomacy. The internal political fragmentation of Palestine, namely the division between Hamas in Gaza and the Palestinian Authority in the West Bank, weakens their diplomatic position before the international community (Brownlie, 2008). This has a direct impact on the effectiveness of support from other countries, including Indonesia, due to the absence of solid political representation. Indonesia also faces limitations in its role in the Middle East, given that it is not a major actor in the region (Gause, 2014). Therefore, the author believes that the nature of Indonesia's diplomatic influence is more moral in nature than its ability to directly influence political dynamics in the region. Another obstacle comes from the tendency of several countries to normalize diplomatic relations with Israel, such as the United Arab Emirates, Bahrain, and Morocco, which further weakens international solidarity with Palestine and indirectly isolates Indonesia's voice (Yacobi & El-Abed, 2021).

Furthermore, the conflict in Gaza is a complex issue in modern international law because it involves dimensions of international humanitarian law, international human rights law, and international criminal law. The main complexity arises from the unclear political and legal status of the Palestinian territories, which have not been fully recognized as a state by all members of the international community (Quigley, 2010). This has an impact on the limited jurisdiction of international institutions, especially in prosecuting alleged violations of the laws of war and crimes against humanity. In addition, the application of international humanitarian law, particularly the 1949 Geneva Conventions, faces serious challenges. Although the rules regarding the protection of civilians and the prohibition of excessive use of force are clear, their implementation is often hampered by differences in interpretation between the conflicting parties (Dinstein, 2016). Israel, for example, claims the right to self-defense based on Article 51 of the UN Charter, which affirms that self-defense is legitimate, but remains under UN supervision and coordination so as not to cause an escalation of international conflict, while the Palestinians and various international organizations emphasize the principle of proportionality and the prohibition of *collective punishment*, which is often violated (Roberts, 2010).

The involvement of non-state actors, such as Hamas, further complicates the dynamics of international law. Humanitarian law does regulate the behavior of non-state armed groups, but enforcement mechanisms are very limited, mainly because they do not have the same status as states in the international legal system (Sassòli, 2019). This situation is exacerbated by the internal political fragmentation of Palestine itself, which raises issues of representation in international forums (Brownlie, 2008).

The complexity is also evident in the aspect of accountability. The International Criminal Court (ICC) has opened an investigation into alleged war crimes in the Palestinian territories, but this move has faced resistance from Israel, which is not a party to the Rome Statute (Schabas, 2011). In addition, the tug-of-war between geopolitical interests in the UN Security Council, especially the use of the veto by permanent member states, often hinders collective international efforts (Bellamy, 2020). Therefore, the resolution of the Gaza conflict through international law depends not only on applicable norms, but also on political factors, state recognition, and global strategic interests. This complexity reflects the limitations of international law when dealing with conflicts that are laden with historical, ideological, and geopolitical dimensions.

Within the framework of multilateral diplomacy, Indonesia actively raises the issue of Palestine in international forums such as the United Nations (UN), the Organization of Islamic Cooperation (OIC), and the Non-Aligned Movement (NAM). Through these forums, Indonesia emphasizes the importance of ending violence, protecting civilians, and recognizing Palestine as an independent state in accordance with UN resolutions (Muna, 2019). These efforts reflect Indonesia's role as the country with the largest Muslim population in the world as well as an important actor in the Southeast Asian region that has moral legitimacy in fighting for the Palestinian issue. In addition to formal diplomacy, Indonesia also pursues soft power diplomacy through humanitarian aid, cooperation with international institutions, and active participation in capacity building in Palestine, such as education and health (Anwar, 2020). This support confirms that Indonesia is not only promoting political rhetoric, but also taking concrete actions to strengthen the resilience of the Palestinian people amid the prolonged conflict. Indonesia's diplomatic and humanitarian aid efforts face various challenges on the ground, mainly due to structural obstacles that limit the effectiveness of aid distribution.

The blockade has serious consequences for the continuity of humanitarian aid. Restrictions on access to and from the region imposed by the blockade hinder the movement of goods and people, severely limiting the distribution of basic necessities such as food, medicine, and fuel. In the case of Gaza, this situation exacerbates the vulnerability of civilians because humanitarian aid cannot be distributed quickly or evenly to those most in need. The blockade imposed on Gaza by Israel has halted almost all access to vital commodities, including food, fuel, medicine, and essential medical equipment, creating a crisis of survival for millions of civilians (Office for the Coordination of Humanitarian Affairs, 2025). The blockade has made public kitchens and medical services the only limited supply channels that are still functioning, but they can only survive for a short time if the blockade continues (International Committee of the Red Cross, 2025).

The total border closure has had a domino effect, causing widespread logistical difficulties and destroying the aid distribution system. The hunger and malnutrition crisis is spreading rapidly. Food prices are skyrocketing, and local food systems are collapsing. This is rapidly increasing communities' vulnerability to hunger and disease, especially among children and the elderly (HelpAge International, 2025). This measure constitutes the systematic and mass isolation of the civilian population, violating both humanitarian principles and international humanitarian law, which prohibits collective punishment (Nihayati, 2025). In the midst of these challenges, the Indonesian government has implemented various strategic measures.

Humanitarian Diplomacy in Strengthening Indonesia's Position in the International Arena

Establishing policy directions and strategic positions is very important for the Indonesian nation because it is the foundation for maintaining the consistency of the national vision amid the ever-changing global dynamics. As a country with a free and active foreign policy identity, Indonesia is required to have a clear stance so that every diplomatic step, international cooperation, and response to global issues is in line with national interests while reflecting constitutional values (Ministry of Foreign Affairs of the Republic of Indonesia, 2023). With a structured policy direction, Indonesia can ensure that its position in various international forums is not only reactive to the global situation, but also proactive in fighting for national interests and universal values such as peace, justice, and humanitarian solidarity.

In addition, the establishment of policy directions and strategic positions is also important in anticipating geopolitical and geostrategic challenges. Indonesia is located in the highly dynamic Indo-Pacific region, where competition between major powers, cross-border conflicts, and humanitarian issues are factors that affect regional stability. With a clear strategic position, Indonesia can play a role as a middle power that bridges the interests of major countries while strengthening the role of the Association of Southeast Asian Nations (ASEAN) as the epicenter of regional growth and stability (Thies & Sari, 2018). This will strengthen Indonesia's capacity to maintain sovereignty, expand its diplomatic network, and ensure that the direction of national development is protected from external pressures.

Furthermore, policy direction and strategic position serve as guidelines in maintaining continuity in foreign policy across administrations. By referring to the mandate of the constitution and long-term national interests, Indonesia can ensure that foreign policy is not merely a momentary response to international dynamics, but rather a sustainable strategy that strengthens Indonesia's reputation and credibility in the world (Chandler, 2003). Thus, determining policy direction and strategic position is not only a technocratic necessity, but also part of Indonesia's moral and historical responsibility as a nation that rejects colonialism, upholds independence, and is committed to world peace.

In December 2023, Foreign Minister Retno Marsudi strongly condemned the situation in Gaza at a diplomatic meeting commemorating the 75th anniversary of the Universal Declaration of Human Rights. In the forum, Retno emphasized three important points that need to be pushed by the international community, namely: a permanent ceasefire, rejection of double standards, and support for accountable mechanisms, including the establishment of an independent *International Commission of Inquiry* (Rahel & Krisiandi, 2023).

On February 23, 2024, Indonesia affirmed its position at the International Court of Justice by emphasizing that the Palestinian people have the right to self-determination as recognized by international law. On that occasion, Indonesia expressed its rejection of Israel's occupation of Palestinian territory, condemned the construction of illegal settlements, and even accused Israel of implementing apartheid policies (Tempo, 2024). In addition, Indonesia demanded that Israel end its occupation, respect international law, fulfill the basic rights of the Palestinian people, and take responsibility for the legal consequences of its actions, including the obligation to pay reparations and end the ongoing humanitarian crisis in Gaza.

In the context of the humanitarian crisis in Gaza, constitutional principles have been actualized under the administration of President Prabowo Subianto. Humanitarian solidarity has been manifested in concrete steps such as the delivery of food aid through air operations, the provision of medical facilities for thousands of wounded victims, and the readiness to send peacekeeping forces if the ceasefire conditions allow. Not only that, active diplomacy is also

carried out through coordination with Palestinian authorities and the international community to ensure that aid is distributed effectively and in accordance with the principles of international law (1945 Constitution of the Republic of Indonesia). The author views this step as part of Indonesia's efforts to balance humanitarian aspects with multilateral diplomatic instruments.

The implementation of the constitutional mandate in Indonesia's foreign policy aims to position Indonesia as a country that consistently defends the independence of other nations and fights for world peace. This is not only relevant to Palestine, but also sends a broader moral message to the international community that Indonesia's foreign policy is based on solidarity, justice, and respect for human rights (1945 Constitution of the Republic of Indonesia). In this case, Indonesia's contribution in Gaza reflects the continuity of its constitutional commitment, which must be maintained so that the direction of Indonesia's foreign policy does not stray from its identity and constitutional mandate.

CONCLUSION

This study confirms that the Gaza conflict is not merely a pragmatic foreign policy issue for Indonesia, but also a constitutional mandate and moral obligation of the nation. The main findings show that Indonesia's support for Palestine reflects the implementation of constitutional law principles, international legal norms, and a moral mandate rooted in the experience of colonialism. The mandate of the Preamble to the 1945 Constitution, particularly regarding the elimination of colonialism and the state's goal of participating in establishing world order based on independence, peace, and social justice, provides a normative basis for Indonesia's foreign policy. In addition, Article 11 paragraphs (1) and (2) of the 1945 Constitution ensure democratic legitimacy through the involvement of the House of Representatives in international agreements that have a broad impact, while the progressive interpretation of the Constitutional Court (Decision No. 13/PUU-XVI/2018) expands the scope of international cooperation, including with international organizations. This confirms that every step of Indonesia's diplomacy, from UN resolutions to the delivery of humanitarian aid, has a strong legal basis and constitutional legitimacy.

Strategically, Indonesia's position in the Gaza conflict bolsters its credibility as a global actor that consistently fights for human rights, justice, and international peace. To strengthen this role, several follow-up actions are recommended, including:

1. Strengthening multilateral diplomacy through the UN, OIC, and NAM forums to make Indonesia's advocacy more effective.

A multilateral approach allows Indonesia to increase its influence in the international political architecture. By being active in the United Nations (UN), the Organization of Islamic Cooperation (OIC), and the Non-Aligned Movement (NAM), Indonesia can form coalitions that strengthen its diplomatic legitimacy. Academic literature shows that multilateral diplomacy not only expands cooperation networks but also affirms a country's normative position in voicing humanitarian issues, such as the Palestinian people's right to live in safety and independence. Indonesia's consistent participation in these forums strengthens its credibility as a free and active actor, in line with the principles of Indonesian foreign policy.

2. Strengthening Soft Power Diplomacy through Humanitarian Assistance, Education, Health, and Capacity Development in Palestine.

Soft power diplomacy or non-coercive diplomacy utilizes cultural appeal, humanitarian solidarity, and capacity building as tools to achieve foreign policy objectives. In the context of Palestine, the delivery of food aid, medicines, educational facilities, and health training is a tangible manifestation of Indonesia's commitment to the protection of civilians. This strategy reflects liberal international relations theory, which emphasizes the

importance of moral legitimacy, social responsibility, and local capacity building as forms of effective alternative diplomacy.

3. Establishing close coordination between the executive and legislative branches to ensure democratic legitimacy and public support for foreign policy.

The House of Representatives of the Republic of Indonesia involvement in ratifying international agreements, as stipulated in Article 11 of the 1945 Constitution, highlights the importance of integrating legal and democratic legitimacy. Research in constitutional law shows that coordination between the executive and legislative branches increases the transparency, accountability, and effectiveness of foreign policy. Additionally, public support is an indicator of successful modern diplomacy because strong diplomacy requires domestic legitimacy to withstand political dynamics and international pressure.

4. Conducting continuous monitoring and evaluation of policy impacts so that diplomatic strategies can be adjusted to geopolitical dynamics and the needs of the Palestinian people.

Policy evaluation is an important aspect of adaptive diplomacy management. In conclusion, continuous monitoring enables the identification of problems, strategy adjustments, and measurement of intervention effectiveness, both in the context of humanitarian aid and political advocacy. By conducting evaluations, Indonesia can adjust its diplomatic programs to field conditions, international community responses, and developments in the Gaza conflict, so that each policy step is more targeted and has a real impact.

This study examines Indonesia's aid to Gaza and reflects on how constitutional identity can shape a nation's role in the global order. By situating Indonesia's actions within the framework of its 1945 Constitution, the analysis highlights how legal mandates are transformed into concrete expressions of foreign policy through political diplomacy, humanitarian assistance, and international legal advocacy. The findings contribute meaningfully to the broader discourse in comparative constitutional law, international law, and peace studies, particularly by demonstrating the dynamic interplay between domestic constitutional principles and global humanitarian responsibilities. Furthermore, this paper underscores Indonesia's relevance as a state that not only consistently upholds its constitutional mandate but also positions itself as a moral actor committed to advancing international solidarity and the pursuit of a just and enduring peace.

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