URGENSI KETERLIBATAN PASUKAN PENJAGA PERDAMAIAN PEREMPUAN DALAM MENGATASI KEKERASAN BERBASIS GENDER DI PALESTINA

JURNAL

Diajukan Untuk Memenuhi Syarat Mendapatkan Gelar Sarjana Hukum

Disusun Oleh:

BALQISH AZ-ZAHRA SHAHNAZ 2006200019



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The Urgency of Female Peacekeepers' Involvement in Addressing Gender-Based Violence in Palestine

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Abstract: The UN Peace Mission is a tool established by the UN to provide assistance and political support and facilitate peacebuilding for countries that are in conflict or are in transition from conflict to peace. Palestine is one of the regions in the Middle East and North Africa, where in this region there is inequality between men and women that still persists and is supported by patriarchy. Women and girls in Palestine continue to experience various forms of violence due to patriarchal norms and culture that are rooted in their society. This research will discuss the importance of gender equality issues in the international sphere, especially gender violence that occurs in Palestine, besides that this research will discuss the Importance of the Involvement of Women Peacekeepers in Overcoming Gender-Based Violence in Palestine, the discussion in this study includes the Urgency and impact of the Involvement of Women Peacekeepers on Gender-Based Violence in Palestine. Based on the results of the study, it shows that the involvement of female peacekeepers in the prevention of gender-based violence in Palestine can be a stimulus for other countries to participate in helping and reducing the number of gender-based violence, besides seeing that gender-based violence in Palestine is an urgent matter to be resolved, the involvement of Indonesian peacekeepers in the prevention of gender-based violence in Palestine will provide a new fighting direction for Palestine and other countries in conflict.

Keyword: Female Peacekeepers, Gender-Based Violence, Palestine.

INTRODUCTION

The United Nations established UN Peace Missions to provide help and political support, as well as to enable peacebuilding, for nations in war or transitioning from conflict to peace. UN peace missions were founded as an effort to meet the obligation of realizing the main goals of the founding of the UN, namely sustaining international peace and security (United Nations, 1945).

This global peacekeeping agenda has the support of UN member states. This was conveyed by each member state deploying peacekeepers to various UN Peace Missions. Due

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to the military's associated with masculinity, male peacekeepers dominated UN Peace Missions at first.

However, as the times changed, so did the awareness and problem of gender and feminism on a global scale. Feminism is an understanding that strives for women's equal rights so that they have equal opportunity to participate in public life on a local and global scale.

The UN Security Council Resolution Number 1325 of 2000 concerning Women, Peace, and Security is another way that the UN promotes the fulfillment of gender equality in the global peacekeeping agenda. The UN encourages all member states to enhance the number of women serving as peacekeepers in various UN peace operations by means of this resolution. As a result, female personnel can serve in peace missions in addition to male personnel. According to data as of December 2020, there are 81.832 peacekeepers stationed in various UN peace missions, made up of 5809 female and 76.069 male personnel from 122 nations (United Nations, 2020).

In 2010, the United Nations established a representative agency that works to ensure equality and fulfillment of human rights for all women and girls. The organization is called UN Women (United Nations for gender equality and women's empowerment). The issue of gender equality has become one of the central issues in the global struggle for sustainable and just peace.

In this situation, involving women in peace negotiations is essential to developing inclusive and long-lasting solutions. In addition to being a moral requirement, gender equality is a solid starting point for establishing long-term world peace. In addition to being a moral need, gender equality is essential to establishing a just, inclusive, and long-lasting peace. In order to achieve peace goals, research and activity that integrates a gender perspective in peace analysis and practice are crucial (Firman, Suswandy, Ginanjar, & Kania, 2023).

Increasing women's leadership and participation, ending violence against women, involving women in all facets of peace and security processes, boosting women's economic empowerment, and placing gender equality at the center of national development planning and budgeting are the goals of the various Women's Peacekeeping Organizations. Nonetheless, women's expected engagement, such as their representation in local and national government organizations, is still very low (Rahmi, 2022).

Thus, it is acknowledged that violence against women and gender equality are essential components of the global system. There is wide variation in how violence against women is perpetrated, perceived, and addressed due to differences in social, economic, political, and security conditions. Violence against women is a manifestation of the traditional male mentality of ownership and control over women in patriarchal societies and occurs worldwide (Ramadhan, 2018).

One area in the Middle East and North Africa where gender disparity between men and women still exists and is encouraged by patriarchy is Palestine. Individuals with impairments, women, and children are particularly susceptible to becoming victims of violence (Rahmi, 2021). Women and children in Palestine continue to experience various forms of violence due to entrenched patriarchal norms and culture in their society, where there is male dominance over women in various aspects of life, which implies gender inequality and the use of violence as a form of control over women.

Violence against women is also often accepted because of women's economic dependence on men. Previous research has shown that job loss experienced by husbands or other male family members has contributed to an increase in women's exposure to at least one incident of violence In addition, the laws in Palestine are inadequate to regulate gender issues, such as violence against women, and have become a barrier for survivors of violence to access services that are responsive to gender issues and obtain justice.

Independent experts that are a part of the UN Human Rights Council's fact-finding and monitoring process stated that they received reports showing that female Palestinian inmates had been exposed to various forms of sexual abuse in February 2024, based on data from Middle East Eye. There have been reports of rapes of two inmates and threats of rape and other sexual harm against other detainees. According to the same statement, hundreds of Palestinian women and girls have been sexually abused and arbitrarily jailed since October 7, 2023, in addition to receiving inhumane and degrading treatment.

This research will discuss the importance of gender equality issues in the international sphere, especially gender violence that occurs in Palestine, besides that this research will discuss the Importance of the Involvement of Women Peacekeepers in Overcoming Gender-Based Violence in Palestine, the discussion in this study includes the Urgency and impact of the Involvement of Women Peacekeepers on Gender-Based Violence in Palestine.

METHOD

The qualitative method was the research approach used in this study. According to Creswell, qualitative research is a technique for examining and comprehending issues pertaining to society or individuals. Additionally, descriptive data or a comprehensive picture created from individuals and occurrences observed and arranged in a scientific environment in the form of words are produced by qualitative research. Descriptive in nature, this qualitative study seeks to explain and expound upon research findings that are subsequently examined through the use of ideas and concepts offered to address research inquiries. This research uses data collection techniques using the library research method, which is a data collection technique by examining a number of literatures that correlate with the issues raised. The data is obtained by studying literature such as books, journals, scientific papers, documents, official reports of an institution, and so on. This study will describe the cases of violence that occurred in Palestine which will then give birth to the extent of the Urgency and impact of the Involvement of Women Peacekeeping Forces on Gender-Based Violence in Palestine.

RESULTS AND DISCUSSION

The Urgency of Women Peacekeepers' Involvement in Palestine

1. Gender-Based Violence in Palestina

Violence against women is gender-based violence that causes disproportionate harm to women. VAW is a worldwide phenomenon that is determined by different contextual factors. These factors serve to maintain and reinforce imbalances in power relations between men and women. This in turn, complements and extends the disproportionate impact of masculinity and the patriarchal global order on women.

The UN General Assembly adopted the Declaration on the Elimination of Violence against Women on December 20, 1993, emphasizing that violence against women is a major barrier to the realization of equality, development, and peace. The Commission on the Status of Women (CSW), the CEDAW committee, and the Human Rights Commission began to raise the issue of violence against women as an international issue in the 1980s and early 1990s. The CSW carried out the drafting of a declaration to end violence against women.

Gender-based violence in Palestine is influenced by various factors, as follows:

a. Patriarchal Norms and Culture

According to many theories, the primary causes of violence against women are patriarchal and masculine norms, cultures, and ways of thinking. A patriarchal society is characterized by men's dominance in all domains of life, including the public and private ones. Women are imprisoned in a pattern of dominance under patriarchal

principles by the norms and structures that are created by the imbedded patriarchal culture (Aghabekian, 2017).

b. Israel's Population Dynamics

Women continue to face a variety of forms of gender-targeted violence and numerous other human rights violations in many conflicts across the world. This is also the case in Palestine due to the dynamics of the Israeli occupation and the armed conflict that goes along with it. Gender-based violence against women has always been a major problem in conflict situations (Manjoo & McRaith, 2011).

c. Economic Dependency

The worsening economic conditions in Palestinian society further aggravate violence against women. The traditional understanding of women's labor, which was based on patriarchal beliefs that women should take care of and support their families at home and that Palestinian women should only look for employment when it is absolutely necessary to meet their financial needs, has resulted in a rise in the proportion of women in Palestinian society (Tamimi, 2017).

d. Inadequate Law

The legal system in Palestine is one of the primary causes of the issue of gender-based violence against women. The laws of Palestine are a hybrid system that combines Ottoman, British, Jordanian, Egyptian, Israeli (military) and Palestinian legislation, enforcing some of the regulations of the previous occupiers. Because of this, the legal system in the Palestinian territories is a patchwork of several legal laws (Aghabekian, 2017).

The definition of violence against women in the 2011 Palestinian Central Bureau of Statistics (PCBS) survey, has taken into consideration the various forms and causes of violence against women. This definition was adopted at the Palestinian level, and has identified forms of violence experienced by Palestinian women, which include various types of violence including physical, psychological and sexual violence, as well as threats that cause harm and deprivation of rights and freedoms. Based on the PCBS survey in 2011 and 2019, the forms of violence against women that occur in Palestine are as follows:

a. Physical Violence

Physical violence is violence committed by hitting, pulling hair, twisting arms, pinching, slapping, kicking, strangling, and killing, which is used to express physical strength. Women are always victimized because they are considered physically weaker. Physical violence is most prevalent within the household or family, and is perpetrated by husbands, or other male family members (Palestinian Central Bureau of Statistics, 2019).

b. Emotional, Psychological, and Verbal Violence

Emotional, psychological, and verbal violence are types of violence that are reflected in psychological or emotional behavior with mistreatment and humiliation of others. This is done through the use of verbal abuse and insults by the abuser, yelling, demeaning, forcing certain actions, expelling, confining, and continuous threats or terror. Such violence is used to cause anxiety, fear, psychological damage, weaken physical and mental capacity, undermine self-confidence, and damage self-esteem (Palestinian Central Bureau of Statistics, 2019).

c. Sexual Violence

Sexual violence is a variety of aggressive acts for the purpose of sexual harassment and causing sexual harm. Sexual violence is perpetrated through sexual harassment, rape, use of physical force to coerce sexual intercourse, threats of using sharp instruments and dangerous violent means to coerce sexual intercourse. The

purpose of this type of violence is to harass the victim and use violence to control the victim who is often female (Palestinian Central Bureau of Statistics, 2019).

d. Deprivation of Rights and Freedom

A number of acts are defined as violence against women in relation to the deprivation of their rights and freedom of movement. These include economic violence, social violence, discrimination in education, and cyber violence. There is also deprivation of education for girls, although female dropout rates are lower than those of males, and Palestinian women have the highest rate in the Arab region of receiving education, girls still face discrimination in education, such as not being allowed to apply to university by their parents and husbands.

2. The Role of Women Peacekeepers in Palestine

In many countries where peacekeeping missions are conducted, gender-based violence (GBV) and conflict-related sexual violence (CRSV) occur at alarming rates. Whether as civilians or combatants, women and children are the most common victims in a conflict. For example, women who are considered family members of combatants are often subjected to violence and harassment within their communities. This affects their ability to move freely and provide for their families. In areas where conflict-affected civilians receive humanitarian aid, women and girls are forced to provide sexual favors and bribes to receive a share of the humanitarian aid. Because of this, women's roles as peacekeepers are essential in addressing GBV and CRSV issues in places of conflict. Indonesia feels that having women in peacekeeping will make a big difference in the mission's effectiveness because of the way women shape society and the psychological factors that make women 'special' in humanitarian efforts (Hasan & Kurnia, 2021).

Women are considered more sensitive to the situation of the local environment and culture, thus increasing community acceptance of the presence of female peacekeepers; The presence of female peacekeepers provides a sense of security and comfort, especially for children and women who are often victims of sexual violence in a conflict; Female peacekeepers also play a role as early peace-builders & role models for local women in encouraging peacebuilding activities, including those related to security aspects such as the ceasefire process, demobilization and reintegration, and negotiations (Diana, Ronia Pratiwi, & Hidayatullah, 2024).

Despite the crucial role of women in maintaining peace, women's involvement in peace processes is still very limited. Based on analysis from UN Women, out of 1.187 peace agreements from 1990-2017, there were 2% female mediators; 5% female negotiators and 5% female witnesses and signatories of peace agreements. As of March 31, 2019, there were 3.472 female military personnel and 1.423 female police personnel out of a total of 89.681 peacekeeping personnel, or 5,46%. This number should certainly be increased, and Indonesia has a strong intention to do so (Sriyanto, 2023).

Women play a key role in sustaining peace through their economic, social and cultural roles. Indonesia underlines three things to ensure that women's involvement in security and peace. First, emphasizing the importance of women's role as agents of peace and tolerance. Second, redouble efforts to mainstream the role of women in the peace agenda in the region. Third, build and foster a network of women negotiators and mediators in the region (Faradiba & Puspitasari, 2018).

According to Clive Archer in his book entitled International Organizations, most international organizations play three main roles that can be identified, including; Roles as instruments, actors, and arenas, based on this theory will be explained about the Urgency of Women's Peacekeeping Forces against Gender-Based Violence in Palestine.

a. Women Peacekeepers as an Instrument in the Prevention of Gender-Based Violence in Palestine

The most common role of international organizations is as instruments, where international organizations are used by their members to achieve a particular interest or goal. In his book, Clive Archer argues that when an international organization is established, it becomes an institutionalized form of agreement between states to act multilaterally on the international agenda of states in a particular field. International organizations thus become important instruments for pursuing national interests to the extent that multilateral coordination is in line with the real and sustainable national goals of member states. Indonesia was among the first countries to recognize the independence of Palestine after the declaration of the State of Palestine in Algeria, 15 November 1988.

Indonesia participates in UN Peace to realize global peace, as outlined in the Preamble of the 1945 Constitution (Kusuma & Harisman, 2024). As a further manifestation of Indonesia's support for Palestine, on October 19, 1989 in Jakarta, the Palestine Agreement was signed. Since then, through various forums, including the United Nations, the Organization of Islamic Cooperation, and the Non-Aligned Movement, Indonesia has consistently voiced support for the struggle of the Palestinian people to gain full independence and sovereignty. In this regard, Indonesia is among the countries that have voted in support so that Palestine can become the 145th member of UNESCO on October 31, 2011, and obtain the status of "state" (non-member observer state), from previously only having the status of "entity" (non-member observer entity), in the decision of the UN General Assembly Session on November 29, 2012. At the bilateral level, the two countries have not been able to realize much real cooperation due to the limitations experienced by Palestine due to Israeli occupation. Nevertheless, since March 13, 2016, Indonesia has had an Honorary Consul located in Ramallah, whose duties include promoting cooperation between the two countries. If we look at the history of the two countries then in terms of helping to reduce or overcome genderbased violence in Palestine, Indonesia has a very crucial role to play.

b. Similarities in Norms and Culture Towards Anti-Violence Against Women Between Indonesia and Palestine

Indonesia is a pluralistic country with various ethnicities and cultures which then creates an identity of order in society known as norms. The rule of norms inherent in society is a powerful unwritten rule in overcoming sexual harassment and violence in society. In the norms of society, care should be formed to protect and protect others so that if there is a social problem, the norms will naturally act as a judiciary before the movement of law enforcement officials.

The inclusion of these values in the socio-culture of Indonesian society can create a safe space for women to express themselves without restraints from various parties who only consider women weak and only as objects of lust. The inclusion of this value also not only has an impact on women, but on men who often get the same treatment because safe space is not only needed by women but men too. With the unity of norms and culture between Indonesia and Palestine in terms of violence against women, it is possible for Indonesia to be directly involved in the prevention of gender-based violence by deploying female peacekeepers to Palestine.

c. UN Policy on the Prevention of Gender-Based Violence

In the context of violence against women, this violence has been considered globally as a violation of women's basic rights. Gender-based violence, which mostly victimizes women, ranging from various verbal violence, physical violence, to violations of women's basic rights. Later, the Convention for the Elimination of All Discrimination Against Women, or CEDAW, was established as an international instrument for the protection of women's rights, saying that such violence, intimidation and fear are obstacles for women to actively participate in community activities. Based

on the analysis of various international and national human rights laws, it is clear that human rights are the responsibility of all parties, namely the state, government, society and everyone (H Harisman & Fajriawati, 2022). In Indonesia, in fact, there is already a basic norm that mimics the concept of humanism, which has been contained in the second moral principle of Pancasila as "Fair and Civilized Humanity". Thus, the nation's basic ideology and its constitution have formulated the concepts of respecting human rights equally for men and women before the law.

With the inclusion of human rights in the constitution, all people around the world, whether the state, society, or government must uphold and protect human rights (Harisman Harisman, 2021). As has been stated in Article 27 paragraph (1) of the 1945 Indonesian Constitution, "Every citizen has equal standing before the law and government and is responsible for upholding the law and government without exception" According to the article and the ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) after being deemed in line with Pancasila or the 1945 Indonesian Constitution which is Law Number 7 of 1984 concerning Ratification of CEDAW, Indonesia must be actively involved in achieving gender equality. In addition, the United Nations established UN Women or the United Nations Entity for Gender Equality and the Empowerment of Women, is a United Nations entity that works to empower women and girls. Therefore, there is an urgency to provide or include Women Peacekeepers against gender-based violence in Palestine.

The Impact of Women's Peacekeeping Involvement on Gender-Based Violence in Palestine

Indonesia's commitment to participate in implementing world order is a mandate from paragraph IV of the Preamble of the 1945 Constitution of the Republic of Indonesia which reads "...participate in implementing world order based on independence, lasting peace and social justice...". This commitment has always been realized through Indonesia's active participation and contribution in the UN Peacekeeping Operations. Such participation is an important and concrete indicator of a country's role in contributing to maintaining international peace and security (Kemenlu, 2019).

United Nations Peacekeeping Operations is a role held by the Department of Peace Operations under the UN Security Council, as an instrument developed as a way to assist countries in conflict to create conditions for lasting peace. UN Peacekeeping helps countries in conflict navigate the path from conflict to peace. UN Peacekeeping has unique powers, including legitimacy, burden-sharing, and the ability to deploy troops and police from around the world, integrating them with civilian peacekeepers to handle various mandates set by the Security Council and the UN General Assembly.

The UN is one of the few organizations that is able to engage directly in conflict areas without the political turmoil of a particular country's military. By running peacekeeping operations around the world, the UN is able to provide the necessary assistance for member states to move from conflict to peace. Contributing fully to UN Peacekeeping Operations is vital not only for the countries in conflict, but also for the contributing countries.

Traditionally, the military and war are seen as masculine activities, and men are the legitimate armed actors who fight to protect those who need protection, namely women, children, and men who are not at war. Peacekeeping is shaped by masculine notions of entry where security is associated with militarization. The military sphere is perceived as the domain of men and so military personnel are also predominantly male. Male-dominated peace operations tend to assume that security means the cessation of fighting between conflicting groups, neglecting the security of women in public and in their own homes.

Women have proven to have a positive impact on the peacekeeping environment, including in supporting women's role in building peace and protecting women's rights. In all areas of peacekeeping, women peacekeepers have proven that they can perform the same roles, to the same standards and under the same difficult conditions as men.

Intellectuals and policymakers have pointed out the many advantages of women as peacekeepers, with female peacekeepers able to defuse potentially violent situations without the use of force more effectively than male officers. Many also argue that women's role is necessary in peacekeeping at least in part because they can be expected to behave better than their male counterparts or to influence their male counterparts to behave better (Hasanah & Musyafak, 2017).

In addition, the presence of female peacekeepers can also increase local acceptance of peacekeepers. Establishing good communication with the local population is considered important to address sexual violence that occurs during conflict. Female populations are also more likely to report incidents of sexual violence they experience or discover to female officers, so women are needed to provide access and support to female populations, support the specific needs of women and children, and make missions more gender-friendly (Simon, 2015).

Feminism in international relations is one of the alternative theories that was originally born from the social sciences and minimally addresses the issue of relations between states. There are three theoretical approaches to feminism in international relations: liberal feminism, Marxist or socialist feminism, and radical feminism. Liberal feminism discusses equal rights between men and women. Women should be given the same opportunities as men in various aspects such as education, economy, politics, and so on. Liberal feminism sees international relations as a world dominated by men. The state should be neutral and impartial between interest groups. However, liberal feminists recognize that the state has not been completely fair and impartial in its treatment of women. State representatives are generally men, so a state's national interests are often determined by men.

Mary Wollstonecraft argues that to realize gender equality for women, women must be given the same rights and opportunities as men. In other words, to change an unfair system, it is the women themselves who must be changed from within. However, the goal they want to realize is the same, namely that women must be given the same position as men in various aspects of life.

From the beginning, Indonesia has placed Palestine as an issue of special concern that Indonesia brought during its tenure as a non-permanent member of the UN Security Council. When Indonesia served as President of the UN Security Council in May 2019, the Security Council held a briefing on Palestine led by the Minister of Foreign Affairs, Retno Marsudi. During the event, the Security Council received an updated report on conditions in Palestine. The special coordinator for the Middle East peace process, Nockolay Mladenov, said that violence is the most intense battle. The situation in the West Bank, including East Jerusalem, is getting worse even though Gaza has received attention. Israeli settlement construction in the Palestinian territories is a major obstacle to peace. The briefing led by Indonesia is expected to increase the support of UN Security Council member states for Palestine. During the meeting, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) said that UNRWA has received tremendous support. The Security Council also considers UNRWA as an important and necessary part of its support.

On various occasions, Indonesia has always emphasized its support for Palestine. As in the Security Council Open Debate on the situation in the Middle East in October 2019, Indonesia, represented by Ambassador Djani, reiterated its full support for Palestinian reconciliation and unity. Indonesia also invited the international community to support UNRWA's efforts in helping the Palestinian people. In other words, the involvement of

Women Peacekeepers in the prevention of gender-based violence in Palestine can be a stimulus for other countries to participate in helping and reducing the number of gender-based violence, besides seeing that gender-based violence in Palestine is an urgent matter to be resolved, the involvement of Indonesian Peacekeepers in the prevention of gender-based violence in Palestine will provide a new fighting direction for Palestine and other countries in conflict.

CONCLUSION

Palestine is one of the regions in the Middle East and North Africa, where in this region there is inequality between men and women that still persists and is supported by patriarchy. Women and girls in Palestine continue to experience various forms of violence due to the patriarchal norms and culture rooted in their society, where there is male dominance over women in various aspects of life, which implies gender inequality and the use of violence as a form of control over women Violence against women is also often accepted due to women's economic dependence on men. The involvement of female peacekeepers in the prevention of gender-based violence in Palestine can be a stimulus for other countries to participate in helping and reducing the number of gender-based violence, besides seeing that gender-based violence in Palestine is an urgent matter to be resolved, the involvement of Indonesian peacekeepers in the prevention of gender-based violence in Palestine will provide a new fighting direction for Palestine and other countries in conflict.

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