

BAB IV

PENUTUP

A. Simpulan

1. Berdasarkan kajian yuridis terhadap tindakan-tindakan yang dilakukan oleh Israel terhadap warga sipil Palestina, khususnya di Jalur Gaza dan Tepi Barat, terdapat indikasi kuat bahwa unsur-unsur kejahatan genosida sebagaimana diatur dalam *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG) 1948 telah terpenuhi. Unsur-unsur tersebut mencakup adanya perbuatan seperti pembunuhan terhadap anggota kelompok, penyebab penderitaan berat secara fisik maupun mental, serta niat untuk menghancurkan, seluruhnya atau sebagian, kelompok nasional atau etnis tertentu dalam hal ini, bangsa Palestina. Hal ini menunjukkan bahwa tindakan-tindakan tersebut dapat dikualifikasikan sebagai genosida berdasarkan kerangka hukum internasional.
2. Konvensi Genosida 1948 mewajibkan negara-negara pihak untuk mencegah dan menghukum pelaku genosida, termasuk melalui yurisdiksi universal maupun mekanisme internasional seperti Mahkamah Pidana Internasional (ICC). Namun, penegakan hukum atas kejahatan genosida menghadapi tantangan besar, terutama karena faktor politik, veto dalam Dewan Keamanan PBB, serta belum efektifnya implementasi prinsip tanggung jawab internasional negara dan individu. Hal ini mencerminkan adanya kesenjangan antara norma hukum internasional yang bersifat imperatif (*jus cogens*) dengan realitas politik global dalam upaya menuntut pertanggungjawaban atas kejahatan genosida.

B. Saran

1. Pemerintah Indonesia dan negara-negara anggota *Convention on the Prevention and Punishment of the Crime of Genocide* perlu lebih aktif mendorong penggunaan mekanisme hukum internasional, seperti Mahkamah Pidana Internasional (ICC) dan Mahkamah Internasional (ICJ), untuk menyelidiki dan menuntut dugaan kejahatan genosida yang dilakukan oleh Israel terhadap rakyat Palestina. Selain itu, negara-negara pihak harus mengoptimalkan yurisdiksi universal dan memperkuat komitmen kolektif dalam mencegah serta menghukum pelaku genosida, tanpa terkendala kepentingan politik.
2. Komunitas internasional termasuk organisasi regional dan lembaga hak asasi manusia, seharusnya meningkatkan sistem *early warning mechanism* dan pengawasan terhadap pelanggaran serius di wilayah konflik seperti Palestina. Upaya ini harus disertai dengan tindakan konkret berupa embargo senjata, sanksi ekonomi, dan tekanan diplomatik terhadap pihak-pihak yang terbukti melanggar hukum internasional, sebagai langkah preventif dan represif dalam menanggulangi potensi kejahatan genosida yang berkelanjutan.

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