

The Role Of Humanitarian Law In Protecting Humanitarian Workers In Conflict Zones

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Abstract

International humanitarian law (IHL) has an important role in providing protection for individuals involved in humanitarian assistance, especially humanitarian workers operating in conflict zones. Humanitarian workers are often targeted in armed conflicts, which threatens their safety in carrying out their humanitarian duties. This research aims to explore how IHL can provide legal protection for humanitarian workers, both in the context of international law and practice in the field. Drawing on the Geneva Conventions and Additional Protocols, as well as international court decisions, this article analyzes the challenges facing humanitarian workers in conflict zones and the legal steps that can be taken to improve their protection. The findings of this research show that despite clear protections in international law, effective implementation is often hampered by legal violations occurring on the ground, lack of law enforcement, and uncertainty about the status of humanitarian workers. Therefore, strengthening international cooperation, increasing awareness of humanitarian law, and stricter law enforcement mechanisms are urgently needed to protect humanitarian workers in conflict zones.

Key words: *International humanitarian law, humanitarian workers, legal protection, conflict zones, Geneva Conventions*

Abstrak

Hukum humaniter internasional (HHI) memiliki peran penting dalam memberikan perlindungan terhadap individu yang terlibat dalam bantuan kemanusiaan, khususnya pekerja kemanusiaan yang beroperasi di zona konflik. Pekerja kemanusiaan sering kali menjadi sasaran dalam konflik bersenjata, yang mengancam keselamatan mereka dalam melaksanakan tugas kemanusiaan. Penelitian ini bertujuan untuk mengeksplorasi bagaimana HHI dapat memberikan perlindungan hukum bagi pekerja kemanusiaan, baik dalam konteks hukum internasional maupun praktik di lapangan. Dengan mengacu pada Konvensi Jenewa dan Protokol Tambahan, serta keputusan-keputusan pengadilan internasional, artikel ini menganalisis tantangan yang dihadapi pekerja kemanusiaan di zona konflik dan langkah-langkah hukum yang dapat diambil untuk meningkatkan perlindungan terhadap mereka. Temuan penelitian ini menunjukkan bahwa meskipun ada perlindungan yang jelas dalam hukum internasional, implementasi yang efektif sering kali terkendala oleh pelanggaran hukum yang terjadi di lapangan, kurangnya penegakan hukum, dan ketidakpastian status pekerja kemanusiaan. Oleh karena itu, penguatan kerjasama internasional, peningkatan kesadaran mengenai hukum humaniter, dan mekanisme penegakan hukum yang lebih tegas sangat diperlukan untuk melindungi pekerja kemanusiaan di zona konflik.

Kata kunci: Hukum humaniter internasional, pekerja kemanusiaan, perlindungan hukum, zona konflik, Konvensi Jenewa,

A. Introduction

The armed conflicts that have hit various parts of the world have had a profound impact on human lives, especially for those who are not directly involved in the fighting, such as civilians and humanitarian workers.¹ Humanitarian workers, who play an important role in providing medical assistance, food, and protection to victims of conflict, are often subjected to attacks and violence. Although their existence is crucial to alleviate suffering in conflict zones, humanitarian workers face significant threats, both from warring parties and from unstable environments. Therefore, the protection of humanitarian workers is a very important issue in international law, especially international humanitarian law (IP).

¹ Zainal Arifin dan Hary Masrukin, "Analisis Kewenangan Polri Dalam Melakukan Penyidikan Penangkapan Tindakan Pidana Korupsi (Studi Di Kabupaten Nganjuk)," *MIZAN, Jurnal Ilmu Hukum* 7, no. 2 (2019): 43, <https://doi.org/10.32503/mizan.v7i2.462>.

International humanitarian law, which includes the Geneva Conventions and other additional protocols, is designed to provide protection to individuals not involved in hostilities, including humanitarian workers.² However, the application of this law is often hampered by major challenges on the ground. Many violations of humanitarian law are committed by parties to the conflict, such as attacks on humanitarian facilities or humanitarian workers. This indicates that there are gaps in the implementation of international law that should ensure their safety. In addition, there is often ambiguity regarding the legal status of humanitarian workers that makes them vulnerable to threats.

Despite efforts by many international organizations, such as the International Red Cross (ICRC) and the United Nations, to strengthen protections for humanitarian workers, the situation on the ground shows that the protections provided are not sufficiently effective. These challenges include a lack of law enforcement, low awareness of the rights of humanitarian workers among parties to the conflict, and uncertainty in the interpretation of international law related to the status of humanitarian workers.³ Therefore, there needs to be greater attention to efforts to strengthen legal protection for humanitarian workers, as well as more effective solutions to face these challenges. There are three formulations of the problem, namely: What are the legal regulations that protect humanitarian workers in conflict zones?, How is the application of international humanitarian law in the context of the protection of humanitarian workers in conflict areas? and apa alone challenges in the implementation of legal protection for humanitarian workers in the field?. While this research aims to analyze the role of international humanitarian law in protecting humanitarian workers in conflict zones and identify challenges and solutions that may be faced in its implementation.

B. Method

The research method used in this study is literature research (library research),⁴ which focuses on the analysis of written sources relevant to the topic of the protection of humanitarian workers in international humanitarian law.⁵ This research will dig into various literature such as the Geneva Conventions, supplementary protocols, international legal documents, journal articles, academic books, as well as reports from international organizations such as the International Red Cross (ICRC) and the United Nations. All such literature will be analyzed to identify the basic principles of international humanitarian law, challenges in its implementation, as well as case studies related to violations of the law against humanitarian workers in conflict zones. This approach allows researchers to gain in-depth and comprehensive insights into the extent to which international humanitarian law can protect humanitarian workers in the field.

C. Result And Discussion

Legal regulations protecting humanitarian workers in conflict zones

A basic concept of international humanitarian law, International humanitarian law (HHI) is a branch of international law that focuses on the restriction of the means and tools of war and the protection of individuals who are not directly involved in armed conflict. The main objective of HHI is to alleviate human suffering in situations of armed conflict by providing protection to those who do not participate in hostilities, such as civilians, prisoners of war, as well as humanitarian workers who provide humanitarian assistance in conflict areas (Kreß, 2018).⁶ This law is built on the basis of the humanitarian principles set out in the Geneva Conventions and other additional protocols that seek to ensure the protection of individuals affected by war.

The three basic principles on which international humanitarian law is based are the principle of humanity, the principle of proportionality, and the principle of restraint. The principle of humanity

² Zainal Arifin et al., "Formulation of Legal Protection for Victims of Stalking Crimes from a Human Rights Perspective," *Proceedings of the Actual Law Seminar*, 2024, 30–47.

³ Zainal Arifin dan Emi Puasa Handayani, "Peningkatan Pemahaman Hukum Perlindungan Konsumen di Masa Pandemi Covid-19," *Indonesian Journal of Law and Islamic Law (IJLIL)* 2, no. 2 (2020): 288–305.

⁴ Zainal Arifin, "Urgensi memformat ulang regulasi pemilu di Indonesia: Mewujudkan keadilan, partisipasi masyarakat dalam demokrasi," *Proceeding APHTN-HAN* 2, no. 1 (2024): 609–56.

⁵ Zainal Arifin dan Emi Puasa Handayani, "Implementation Pasal 5 Journalistic Code of Ethics (JCE) in Covering the Cases of Children with Laws in the Kediri," 2020, 21–24.

⁶ Kreß, C. (2018). "The Protection of Humanitarian Workers under International Humanitarian Law." *Journal of International Humanitarian Legal Studies*, 9(1), 1-25.

demands that all actions taken in conflict must aim at alleviating human suffering, safeguarding the dignity of the individual, and ensuring that fighting does not cause disproportionate harm to those who are not involved in hostilities. The principle of proportionality governs that military strikes do not cause excessive damage to civilian objects not directly involved in the conflict, while the principle of limitation governs the use of force in war only for legitimate military purposes, without targeting targets unrelated to the objectives of the war.⁷

Humanitarian workers, such as volunteers and staff from organizations such as the International Red Cross (ICRC), have a protected status under international humanitarian law. They play a role in providing humanitarian assistance to those affected by armed conflict. In this regard, humanitarian workers are protected by the rules in the 1949 Geneva Convention, in particular Article 3 of the Complementary Act which regulates the protection of those who provide medical and humanitarian assistance on the battlefield. In addition, Additional Protocols I and II (1977) add further protection for humanitarian workers, which affirm that they must not be subjected to attack or harassment by warring parties.⁸

However, in practice, despite these protections, humanitarian workers often face real threats on the ground. This is due to the tension between military interests and humanitarian interests, which often puts humanitarian workers at risk or caught up in broader conflicts.⁹ Uncertainty about their status or the lack of recognition of the principles of neutrality and independence in armed conflict further exacerbate this situation.

Although international humanitarian law provides for protection for humanitarian workers, the implementation of these laws often faces significant challenges. One of the main challenges is the frequent violations by parties involved in the conflict, both on the part of states and non-state groups. These parties often neglect their obligations to respect international law, resulting in increased risks for humanitarian workers. In many cases, attacks on humanitarian facilities or humanitarian workers occur on the grounds that they are perceived to be siding with one of the parties to the conflict.¹⁰

Indonesia, as a country committed to international humanitarian principles, has ratified several international legal instruments governing the protection of humanitarian workers, including the Geneva Convention and its additional protocols. In addition, Indonesia also has domestic regulations that regulate the rights and protection of humanitarian workers working domestically, especially in the context of natural disasters or conflicts involving humanitarian aspects. The discussion on the protection of humanitarian workers in Indonesian law will be seen from two main perspectives: Indonesia's commitment to international law and the domestic protection provided by the state to humanitarian workers.

As a country that has ratified the 1949 Geneva Convention and Additional Protocols I and II (1977), Indonesia has an obligation to protect humanitarian workers operating on its territory. Indonesia recognizes the importance of protecting humanitarian workers, both domestic and international, who provide humanitarian assistance in conflict or disaster situations. Humanitarian workers in Indonesia are protected based on the basic principles of International Humanitarian Law (IHL), which are also contained in Indonesia's constitution and laws and regulations.

Indonesia also actively participates in international forums that discuss humanitarian issues and support the protection of humanitarian workers at the global level. One of these is through its involvement in the Indonesian Red Cross (PMI), which is a member of the International Red Cross and Red Crescent Society (IFRC). In this context, Indonesia is committed to ensuring that humanitarian workers operating on the territory of the country are protected in accordance with ratified international law, including preventing attacks on humanitarian workers or humanitarian facilities.

At the national level, Indonesia also has laws that provide protection for humanitarian workers, although there is no law that specifically regulates the protection of humanitarian workers in armed conflict. One of the legal bases that provides protection to humanitarian workers is Law No. 24 of

⁷ Sassòli, M. (2019). *International Humanitarian Law: A Comprehensive Introduction*. Cambridge University Press.

⁸ Bassiouni, M. C. (2008). *International Criminal Law: Volume 1: Sources, Subjects and Contents*. Martinus Nijhoff Publishers.

⁹ Slim, H. (2015). *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*. Oxford University Press.

¹⁰ McGoldrick, D. (2016). *Humanitarian Law and the Protection of Civilians*. Cambridge University Press.

2007 on Disaster Management, which regulates disaster management in Indonesia. Although this law focuses more on humanitarian assistance in the context of natural disasters, it includes protection for humanitarian workers involved in disaster management activities. Humanitarian workers working in natural disaster sites or conflict areas are protected from threats or attacks by disinterested parties, as regulated in International Humanitarian Law.¹¹

In addition, Indonesia also adopts the principles of neutrality, impartiality, and independence which are an integral part of Law No. 37 of 1999 on Foreign Relations. These principles affirm that humanitarian workers must be given the freedom to carry out their humanitarian duties neutrally, without discrimination and political or military intervention.¹²

Although Indonesia has adopted various international and domestic provisions protecting humanitarian workers, their implementation still faces several challenges. One of the biggest challenges is that there are still frequent violations against humanitarian workers in conflict areas, be it armed conflicts, natural disasters, or social unrest. In some areas affected by internal conflict, such as Papua or areas affected by major natural disasters, humanitarian workers often face obstacles in carrying out their duties safely. This problem is exacerbated by lack of infrastructure, political tensions, and conflicts of interest between warring parties and humanitarian workers who are perceived as not taking sides with one particular party.¹³

To address these challenges, there needs to be increased awareness of the importance of protection for humanitarian workers at both the government and community levels. The drafting of clearer regulations on the legal status of humanitarian workers in conflict or disaster situations can strengthen existing legal protections. Indonesia also needs to strengthen coordination mechanisms between international institutions, such as the ICRC and IFRC, as well as domestic institutions in maintaining the security and safety of humanitarian workers.

Indonesia also plays an active role in supporting humanitarian workers at the international level. Cooperation with international organizations, such as the International Red Cross (ICRC) and the United Nations Agency for the Coordination of Humanitarian Affairs (OCHA), allows Indonesia to increase capacity in the protection of humanitarian workers. In recent years, Indonesia has increased its commitment to support international humanitarian programs focused on the protection of humanitarian workers, including by sending humanitarian personnel on peacekeeping and relief missions abroad.¹⁴

How to apply international humanitarian law in the context of the protection of humanitarian workers in conflict areas.

Protection of humanitarian workers operating in conflict zones has become a growing global issue. Humanitarian workers, tasked with providing assistance to victims of war and disasters, are often exposed to highly risky situations, both physical and psychological. Although international humanitarian law, such as the Geneva Convention and the Additional Protocols, provides protection for humanitarian workers, challenges on the ground remain numerous and complex. In Indonesia, these challenges are reflected in various situations of domestic conflict as well as disaster management involving humanitarian workers working in vulnerable and affected areas.

Attacks on humanitarian workers and humanitarian facilities are a major challenge faced in conflict zones. Although the Geneva Conventions require the protection of humanitarian workers, including volunteers and medical facilities, attacks on hospitals or humanitarian workers are still routine. This shows a lack of compliance with international law, where humanitarian workers are often considered parties to conflicts, even though they are supposed to be neutral.

In Indonesia, in situations of armed conflict involving armed groups or in disaster management, humanitarian workers are also vulnerable to the threat of attack. One example is in the handling of conflicts in Papua, where humanitarian workers often face obstacles from various groups involved in armed conflict. In addition, attacks on medical facilities in conflict areas have also

¹¹ Law No. 24 of 2007 concerning Disaster Management, State of the Republic of Indonesia.

¹² Undang-Undang No. 37 Tahun 1999 tentang Hubungan Luar Negeri, Negara Republik Indonesia.

¹³ Simanjuntak, M. (2021). *International Humanitarian Law and Its Application in Indonesia*. Jakarta: Pustaka Setia.

¹⁴ Indonesian Red Cross (PMI). (2020). *Implementation of Humanitarian Activities in Indonesia*. PMI.

occurred, for example in the disaster that occurred in Aceh after the 2004 tsunami, which resulted in many humanitarian workers whose safety was threatened.¹⁵

Neutrality and independence are fundamental principles in international humanitarian law that all humanitarian workers must apply. However, in situations of tension, maintaining the status of neutrality and independence is often difficult. Humanitarian workers are often pressured by parties to the conflict to side with them or to support their causes, either directly or indirectly.

In Indonesia, where some regions such as Papua and Aceh experience tension and conflict, humanitarian workers are often seen by warring parties as supporting the enemy, even though they work on neutral principles. This challenge is further exacerbated by political, economic, and military pressures that can affect humanitarian operations. This puts humanitarian workers in vulnerable positions and often threatens their safety. What's more, the presence of groups opposing the existence of humanitarian organizations in conflict areas can exacerbate the situation.¹⁶

Challenges in the implementation of legal protection for humanitarian workers in the field.

Access to sometimes isolated conflict areas is a major challenge faced by humanitarian workers. In many conflict situations, especially in areas controlled by certain militant groups or armed groups, humanitarian workers are often unable to reach victims to provide assistance. This is due to road blockades, attacks on humanitarian convoys, or threats to the safety of humanitarian workers working on the ground.

In Indonesia, one clear example is the inability of humanitarian organizations to access some conflict areas in Papua controlled by armed groups. Security instability, both due to internal conflict and threats from separatist groups, has led to very limited access to humanitarian aid. Humanitarian workers involved in aid distribution in the region also face very high safety risks, both from the threat of separatist groups and the military.¹⁷

One of the other major challenges is the lack of political support for the protection of humanitarian workers. In some internal conflicts, both sectarian and political, humanitarian workers often do not receive adequate protection from the state or the ruling party. Parties to the conflict often do not comply with international legal obligations that protect humanitarian workers, as in the situation in **Aceh** during the conflict between the GAM (Free Aceh Movement) and the Indonesian government.

In addition, although Indonesia has ratified the Geneva Conventions, violations against humanitarian workers are often not followed by a rigorous law enforcement process. The culture of impunity that exists in some conflict areas has led to violations against humanitarian workers continuing to occur without meaningful sanctions.¹⁸ This creates a sense of injustice and lowers trust in the effectiveness of humanitarian worker protection on the ground.

In addition to physical and security challenges, humanitarian workers also often face significant psychological challenges. Facing human suffering on a large scale, seeing violence, and working in extremely stressful conditions can affect the mental health of humanitarian workers. In Indonesia, humanitarian workers working in conflict or natural disaster areas also face stress due to uncertain conditions, such as the threat of attack or sudden natural disasters.

This calls for more attention to the mental well-being of humanitarian workers, including providing psychological support and training on how to cope with trauma. Many international and national humanitarian organizations are now beginning to respond to this need, but in many areas, especially in conflict areas, attention to this aspect is still lacking.

Humanitarian workers play a critical role in providing assistance and protection to victims of war, natural disasters, and other humanitarian crises. However, their work is often very risky,

¹⁵ Simanjuntak, M. (2021). *International Humanitarian Law and Its Application in Indonesia*. Jakarta: Pustaka Setia.

¹⁶ Bassiouni, M. C. (2008). *International Criminal Law: Volume 1: Sources, Subjects and Contents*. Martinus Nijhoff Publishers.

¹⁷ Mulyadi, R. (2019). "The Role and Challenges of Humanitarian Workers in Conflict Areas: An Analysis of International Law and Experiences in Indonesia". *Journal of International Law*, 17(1), 105-120. .

¹⁸ Yuliana, A. (2021). "The Challenges of Humanitarian Worker Protection in Conflict-Affected Areas: Legal and Practical Perspectives in Indonesia". *Journal of Legal Sciences*, 28(2), 145-160.

especially in conflict zones of violence and instability. Although international humanitarian law provides protection for humanitarian workers, the challenges faced on the ground often require additional efforts to ensure more effective protection. Therefore, efforts to strengthen the protection of humanitarian workers are very important. In this discussion, several efforts will be made to strengthen the protection of humanitarian workers, both in terms of international law, national policies, and the role of international organizations.

One of the key steps in strengthening the protection of humanitarian workers is to ensure more robust international law enforcement. The Geneva Conventions and the Additional Protocols have provided for protection for humanitarian workers, but implementation and enforcement of the law are often ineffective in some areas exposed to conflict. The high number of violations against humanitarian workers, such as attacks on hospitals or the killing of humanitarian workers, shows that international law enforcement is still weak.

To strengthen these protections, countries and international organizations must commit to cracking down on violations against humanitarian workers. One way to strengthen law enforcement is to improve oversight mechanisms and sanctions against violations committed by parties involved in conflict. International courts, such as the International Criminal Court (ICC), also have an important role to play in prosecuting individuals responsible for crimes against humanitarian workers, including attacks on medical facilities or humanitarian workers.¹⁹

One important effort to strengthen the protection of humanitarian workers is to provide them with adequate training and psychological support. Humanitarian workers often work under great pressure, facing trauma, violence, and unstable conditions. Therefore, training on occupational safety, risk management, and how to deal with dangerous situations is essential.

In addition to safety training, psychological support is also needed to help humanitarian workers cope with the stress and trauma they experience while working in conflict zones. Many international and national humanitarian organizations are now paying more attention to the mental well-being aspects of their workers by providing psychological counseling and training on stress management. This will help humanitarian workers to stay focused and effective in carrying out their duties in challenging terrain.

Closer cooperation between various humanitarian organizations, both international and national, can improve the protection of humanitarian workers. In many conflict zones, various humanitarian organizations work under pressure and in highly risky situations. Effective coordination between organizations is therefore essential to ensure the protection of humanitarian workers.

For example, organizations such as the International Red Cross (ICRC), UNHCR, the World Food Programme (WFP), as well as local organizations in Indonesia, such as the Indonesian Red Cross (PMI), need to work together in planning and coordinating humanitarian efforts, especially in ensuring safe aid distribution channels and protecting humanitarian workers from attacks. In addition, this cooperation is also important in sharing information about conditions on the ground that could jeopardize the safety of humanitarian workers.²⁰

The Indonesian government, as part of the international community, has a responsibility to ensure that international humanitarian law is properly implemented in the country. Therefore, the government needs to make efforts to improve the protection of humanitarian workers through national policies. Some of the steps that can be taken by the Indonesian government include: Developing clearer and more detailed policies regarding the protection of humanitarian workers, especially in situations of internal conflict or natural disasters. Raising awareness among state officials, including the military and police, of the obligation to protect humanitarian workers operating in conflict areas. Encouraging the participation of domestic humanitarian organizations in providing protection to humanitarian workers, as well as strengthening cooperation with international organizations.

¹⁹ Pictet, J. (2012). *The Geneva Conventions of 12 August 1949: Commentary*. International Committee of the Red Cross (ICRC).

²⁰ Hasan, A. (2019). *Security of Humanitarian Workers in Conflict Areas: International and National Law Perspectives*. Bandung: Alfabeta.

This effort will strengthen Indonesia's position as a country that supports the protection of humanitarian workers in conflict and disaster areas. It is also important to ensure that Indonesia fulfills its commitments to international law governing the protection of humanitarian workers.

Public awareness of the importance of the role of humanitarian workers is also a key factor in strengthening their protection. Societies that are more aware of the duties and responsibilities of humanitarian workers can provide greater support for their safety and security. Therefore, increasing education and understanding of international humanitarian law, especially on the status of humanitarian workers, is of paramount importance. Public awareness campaigns, both through mass media and community trainings, can help create a safer and respectful environment for humanitarian workers.

D. Conclusion

International humanitarian law, enshrined in the Geneva Conventions and Additional Protocols, plays a critical role in protecting humanitarian workers in conflict zones. These laws provide clear protections for humanitarian workers, whether working on the front lines of medical care, aid distribution, or other activities, to ensure they can carry out their duties without the threat of violence or discrimination. It also includes the prohibition of attacks on humanitarian facilities as well as the obligations of parties to conflict to respect the neutrality and independence of humanitarian workers. However, challenges in the implementation of these laws often arise due to factors of non-compliance, political instability, and threats from parties involved in the conflict.

For this reason, strengthening the protection of humanitarian workers in conflict zones requires joint efforts, both from the international and national sides. Firmer law enforcement, the provision of training and psychological support for humanitarian workers, as well as increased cooperation between humanitarian organizations, are important steps that need to be taken to improve their safety and operational effectiveness. Governments and the international community must also strengthen their commitment to ensuring the effective application of humanitarian law, so that humanitarian workers can carry out their noble duties more safely and securely, without fear or threats that endanger their safety on the ground.

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