

THE ESTABLISHMENT OF THE STATE OF PALESTINE FROM THE PERSPECTIVE OF SIYASAH SYAR'IYYAH

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ABSTRAK

Penelitian ini bertujuan untuk membahas tinjauan Siyasah Syar'iyah terhadap Berdirinya Negara Palestina. Jenis penelitian ini adalah penelitian kualitatif. Desain penelitian ini adalah penelitian kepustakaan. Hasil penelitian menunjukkan bahwa Agresi militer Israel terhadap warga Palestina membutuhkan perlindungan, salah satunya dari Negara. Hal tersebut sebagai salah satu bukti yang menunjukkan pentingnya keberadaan suatu Negara yang berdaulat. Pembentukan Negara Palestina menjadi urgent, salah satunya untuk memberikan perlindungan bagi umat Islam yang menetap di Palestina. Hal tersebut menunjukkan adanya kemanfaatan. Menjadi indikator adanya kesejajaran dengan Siyasah Syar'iyah.

Kata Kunci: Berdirinya, Negara Palestina, Siyasah Syar'iyah

ABSTRACT

This study aims to discuss the Siyasah Syar'iyah review of the establishment of the State of Palestine. This type of research is qualitative research. The research design is library research. The results of the study show that Israeli military aggression against Palestinians requires protection, one of which is from the state. This is one of the pieces of evidence that shows the importance of the existence of a sovereign state. The establishment of the State of Palestine is urgent, one of which is to provide protection for Muslims living in Palestine. This shows that there are benefits. It is an indicator of alignment with Siyasah Syar'iyah.

Keywords: Establishment, State of Palestine, Siyasah Syar'iyah

INTRODUCTION

The Palestinian-Israeli conflict is one of the longest-running conflicts in human history. Human rights are the most fundamental rights of all human beings on earth. This means that every right and obligation of human beings must be respected and fully implemented in order to realize the concept of human rights as it should be. The concept of human rights is spread across various dimensions of life, one of which is in the context of war and conflict between countries. This concept is reflected in the 1949 Geneva Convention, which provides protection rights for militants and civilians in war zones. A total of 196 countries have ratified the

Convention, one of which is Israel. This means that in the conflict between Israel and Palestine, Israel, as a ratifying party, is obliged to respect what is stated in the convention. However, in practice, Israel has violated many articles to the extent that it has committed a list of war crimes mentioned in the convention. This evidence serves as a form of validation for the International Court of Justice to adjudicate the case in order to restore the rights and dignity of the victims.¹ According to Palestinian health officials, more than 46,000 people were killed in the Gaza war, out of a total population of around 2.3 million before the war.²

In the past two years, an estimated 64,000 children have been killed or seriously injured across the Gaza Strip, including at least 1,000 infants. The number of children who have died from preventable diseases, or who remain buried under the rubble, remains unknown. Starvation continues to plague Gaza City and is now spreading to the south, where children are already living in dire conditions. The nutritional crisis, especially among infants, remains alarming. Months without access to adequate food have had a serious impact on children's growth and development.³ Over more than a century, this conflict has caused thousands of deaths, millions of refugees, and untold suffering, making it one of the ongoing humanitarian tragedies of our time.⁴

Sharia politics is a part of Islamic law that directly highlights the relationship between society and the state. Therefore, the sharia political view of the establishment of the Palestinian state is considered compatible in detecting the benefits of an action taken by the authorities.

Siyasah Syar'iyah in the sense of science is a field of study that examines the regulation of society and the state through all forms of laws, rules, and policies made by state authorities in accordance with the spirit and basic principles of Islamic law to achieve the welfare of society.⁵

The fuqaha define siyasah syar'iyah as government action on a matter in order to achieve a benefit, even if that action has no specific basis in the text. In another definition, they say it is managing human affairs in accordance with the provisions

¹ Muhammad Darrell Damareka and Indira Emilia Anjani, 'Aspek-Aspek Pelanggaran Israel Terhadap Konvensi Jenewa Dalam Konflik Israel-Palestina (Aspects of Israel's Violations of The Geneva Conventions In The Israel-Palestine Conflict)', *Media Hukum Indonesia (MHI)*, 3.3 (2025), 499–506.

² VOA Indonesia, 'Studi: Korban Tewas Perang Gaza Bisa Tembus 40% Lebih Banyak', *VOA Indonesia*, 2025 <<https://www.voaindonesia.com/a/studi-korban-tewas-perang-gaza-bisa-tembus-40-lebih-banyak/7933189.html>>.

³ UNICEF, 'Dua Tahun Perang Yang Telah Memporakporandakan Anak-Anak Di Gaza', *UNICEF*, 2025 <<https://www.unicef.org/indonesia/id/press-releases/dua-tahun-perang-yang-telah-memporakporandakan-anak-anak-di-gaza>>.

⁴ Azwar, Abd. Rahim Yunus, and Susmihara Susmihara, 'Palestina Dalam Pusaran Sejarah Dan Solidaritas Umat Islam', *DIRASAH: Jurnal Kajian Islam*, 2.3 (2025), 295–312 <<https://litera-academica.com/ojs/dirasah/article/view/189>>.

⁵ Hasan, 'Tinjauan Siyasah Syar'iyah Terhadap Pelayanan Publik Dalam Penerbitan Dokumen Kartu Tanda Penduduk (KTP) Dan Kartu Keluarga (KK)(Studi DISDUKCAPIL Kabupaten Polewali Mandar)' (IAIN Parepare, 2024).

of the Shariah. Most writings related to Islamic politics define the concept of politics within the scope of these two definitions.⁶

The novelty of this research can be seen through the literature review, namely the results of previous relevant studies. Among the studies relevant to the establishment of the State of Palestine is the perspective of Siyasah Syar'iyah. George Kyris highlights The Recognition of a Right to Statehood and Palestine.⁷ Azwar et al. focus on highlighting Palestine in the Vortex of History and Solidarity of the Muslim Ummah.⁸ Meanwhile, Deli Waryenti focused on the legal implications of recognizing Palestine under international law.⁹ On the other hand, Yuni Putri Dewantara et al. highlight recognition and legitimacy in international law, focusing on the case study of the Israeli-Palestinian conflict.¹⁰ Ester Nathania Davita Sitanggang, et al. discuss the dynamics of state recognition in international law, namely the analysis of legal and political implications in an era of global dynamics focused on the conflict over the recognition of the State of Palestine.¹¹

The fundamental difference from previous studies is that this study specifically focuses on highlighting the establishment of the Palestinian state from the perspective of Siyasah Syar'iyah. Therefore, based on this novel approach, the results of this study can contribute to the urgency of the existence/establishment of a Palestinian state based on Siyasah Syar'iyah.

RESEARCH METHOD

This type of research is qualitative research. The research design is literature research. This research focuses on highlighting the establishment of the State of Palestine from the perspective of Siyasah Syar'iyah.

⁶ Mahmood Zuhdi Abd Majid, 'SIYASAH SYAR'YAH DALAM PELAKSANAAN UNDANG-UNDANG JENAYAH ISLAM', *Jurnal Syariah*, 12.1 (2004), 89-100.

⁷ George Kyris, 'The Recognition of a Right to Statehood and Palestine', *Ethnopolitics*, 24.5 (2025), 511-21 <<https://doi.org/10.1080/17449057.2024.2362510>>.

⁸ Azwar, Yunus, and Susmihara.

⁹ Deli Waryenti, 'Dampak Hukum Pengakuan Terhadap Palestina Menurut Hukum Internasional', *University Of Bengkulu Law Journal*, 10.1 (2025), 19-30 <<https://doi.org/10.33369/ubelaj.v10i1.41148>>.

¹⁰ Yuni Putri Dewantara, Michelle Hadi, and Carissa Amanda Siswanto, 'Pengakuan Dan Legitimatis Di Hukum Internasional: Studi Kasus Konflik Israel-Palestina', *Jurnal Hukum Lex Generalis*, 6.1 (2025).

¹¹ Ester Nathania and others, 'Rewang Rencang : Jurnal Hukum Lex Generalis. Vol.6. No.1 (Januari 2025) Tema/Edisi : Hukum Internasional Dan Perbandingan Hukum (Bulan Kesatu) <https://jhlg.Rewangrencang.Com/>', 6.1 (2025), 1-18.

RESEARCH RESULTS AND DISCUSSION

A Review of *Siyasah Syar'iyah* Regarding the Establishment of the State of Palestine

The conflict between Israel and Palestine is one of the most complex and protracted issues in modern world history, especially in the context of Islamic history. The roots of the problem cannot be separated from the dynamics of colonialism, the emergence of the Zionist movement, and the policies of Western countries after the collapse of the Ottoman Caliphate. The Palestinian territory, which had long been inhabited by Muslim, Christian, and Jewish communities living side by side, began to undergo drastic changes as a result of the project to establish the state of Israel, which was supported by colonial powers. The declaration of Israel's independence in 1948 was a turning point in history that marked the beginning of open conflict and the mass expulsion of Palestinians from their homeland, an event known as the Nakba. Since then, a series of wars, occupations, and violence have continued, causing deep suffering for the Palestinian people and instability in the Middle East. This conflict is not only about territorial disputes, but also concerns human rights, historical justice, and the right to self-determination. The Islamic world generally views this conflict as part of its moral and religious responsibility to support the Palestinian people, although the responses and concrete steps taken by Islamic countries are not always consistent. Meanwhile, peace efforts continue, but often reach a dead end due to differences in interests, power imbalances, and complex political realities.¹² Israel's military aggression against Palestinians requires protection, one of which is from the state. This is one of the proofs that shows the importance of the existence of a sovereign state. The establishment of a Palestinian state is urgent, one of which is to provide protection for Muslims living in Palestine. This shows that there are benefits. It is an indicator of alignment with *Siyasah Syar'iyah*.

As in one of the definitions of *siyasah syar'iyah*, namely *siyasah syar'iyah* as government action on a matter in order to achieve a benefit, even if that action has no specific basis in the text.¹³

CONCLUSION

Based on the results and discussions described above, it can be concluded that Israeli military aggression against Palestinians requires protection, including from the state. This is one piece of evidence that demonstrates the importance of a sovereign state. The establishment of a Palestinian state is urgent, not least to provide protection for Muslims living in Palestine. This demonstrates its usefulness. It is an indicator of alignment with *Siyasah Syar'iyah*.

¹² Azwar, Yunus, and Susmihara.

¹³ Abd Majid.

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