

ORGANIZATION OF ISLAMIC COOPERATION RESPONSES ON THE ISRAEL AGGRESION AND THE UNITED STATES EMBASSY RELOCATION TO JERUSALEM

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Article Info	Abstract
<p>Keywords: Israel Aggression, OIC, Palestine, US Administration Declaration, US Embassy.</p> <p>DOI: 10.25041/lajil.v4i2.2578</p>	<p>The aggression carried out by Israel against the Palestinian people and the declaration of Jerusalem as the capital of Israel with the relocation of the US Embassy received the attention of the OIC. As an organization committed to protecting Muslims' human rights, the OIC has the responsibility to take care of the human rights violations that occurred in Palestine. The objectives of this paper are to find out the OIC's role in maintaining Muslim peace in the world, how the OIC's response to Israeli aggression against the Palestinian people, and the relocation of the US Embassy to Jerusalem. The research method used in writing this journal is normative legal research, with historical approach to find out the beginning of the conflict between Palestine and Israel and an analytical approach to finding out the efforts made by the OIC for Israel's aggression against the Palestinian people and the United States Embassy relocation to Jerusalem under the provisions of international law.</p>

A. Introduction

Countries in this world has differences in ideology, politics, economy, society, culture, defense, security, education, and natural resources. Based on these differences, states are required to interact with other countries to maintain their existence and fulfill their interests through international relations.¹ The process that takes place in interacting with other countries doesn't always run well. Therefore, conflicts between nations cannot be avoided. One of which

¹ Tika Tazkya Nurdyawati, "Muatan Berita Propaganda Israel Dan Kesengsaraan Palestina," *Jurnal Penelitian Politik (LIPI)* 18, no. 1 (2021): 49, <https://doi.org/https://doi.org/10.14203/jpp.v18i1.902>.

is what happened between Palestine and Israel. The struggle for state territory caused the protracted conflict between Palestine and Israel.²

Palestine is known as a holy area for the three heavenly religions, Islam, Christianity, and Judaism.³ The Palestinian Territories, called Al-Ard Al-Muqaddasa, has the meaning of holy land, namely a peaceful life without any conflict between its people. It is located in the Middle East region with an area of 27,000 square kilometers. Geographically, the Palestinian territory is very strategic, which is to connect three continents, including the Asian continent, the African continent, and the European continent.⁴ The Palestinian population is descended from the Assyrians and Philistines who have occupied the Palestinian territories for a long time and until now have mixed with people of Arab, Roman, Turkish, and Greek descent.⁵

Historically, the Palestinian territories and other areas of the Middle East have been controlled by the Ottoman Turks for an extended period.⁶ During World War I, Turkey allied with Germany; this made Britain feel uneasy and decided to cooperate with the Jews. At the same time, Arabia, which the Ottoman Turks were controlling, wanted to secede. With this situation, Britain took advantage of it by helping the Arabs to separate from the Ottoman Turks and giving them territory based on an agreement called the 1916 Sykes-Picot Agreement. This agreement is between Britain, Arabia, France, and Russia, containing the division of territory if Britain wins in World War I (British Zone). The division of the region covering Iraq, Jaffa, Jerusalem, and the eastern Arab border to Egypt will be jointly controlled by Britain, France, and Russia, while Aleppo, Damascus, Mosul, and western Syria will be under French control. According to the rules of the League of Nations, the territory conquered by the victorious country of World War I, the region will be temporarily controlled by the victor.⁷

When World War I was in progress, Chaim Weizmann, a British Jew, was respected for determining the formula for weapons used by the British. Therefore, he received a reprisal from David Lloyd George as British Prime Minister in the form of a national home for the Jews in Uganda, Africa. Still, Weizmann refused and asked for Palestinian territory. On this basis, the Balfour Declaration was formed on November 2, 1917, which stated that the British Government approved granting a homeland for the Jews in the Palestinian territories.⁸ The Balfour Declaration was based on the name of the British Secretary General for Foreign Affairs, Arthur James Balfour. They sent the Balfour Declaration letter to Lionel Walter Rothschild, an Honorary Head of the British Jewish Federation.⁹

After World War I ended and Britain emerged as the victors, based on the League of Nations recommendation, the right to manage Palestine until Palestine's independent process was handed over to Britain. This situation is what underlies the conflict between Palestine and Israel, where Arabs and Jews both recognize the Palestinian territories as their territory to run the government based on the 1916 Sykes-Picot Agreement and the 1917 Balfour Declaration.

Over time, after the Balfour Declaration was declared, many Jewish immigrants came and settled in the Palestinian territories. The move of Jewish to Palestinian territories led to a series of protests from the Palestinian Arabs to the British Government and the Jews. The rejection

² Syarif Bahaudin Mudore, "Peran Diplomasi Indonesia Dalam Konflik Israel-Palestina," *Jurnal CMES* 12, no. 2 (December 12, 2019): 170, <https://doi.org/10.20961/cmcs.12.2.37891>.

³ Firdaus Firdaus et al., "Yasser Arafat Dan Konflik Palestina-Israel (Tinjauan Sejarah)," *Khazanah: Jurnal Sejarah Dan Kebudayaan Islam* 10, no. 1 (May 31, 2020): 1–12, <https://doi.org/10.15548/khazanah.v10i1.265>.

⁴ Emilia Palupi Nurjannah and M Fakhruddin, "Deklarasi Balfour : Awal Mula Konflik Israel Palestina," *Jurnal Sejarah Dan Pendidikan Sejarah* 1, no. 1 (2019): 15–26.

⁵ Syahrul Adhim and Yuliati Yuliati, "Konflik Terbentuknya Negara Israel Pada Tahun 1948-1973," *ASANKA: Journal of Social Science And Education* 2, no. 1 (March 31, 2021): 61–70, <https://doi.org/10.21154/asanka.v2i1.2429>.

⁶ Mudore, "Peran Diplomasi Indonesia Dalam Konflik Israel-Palestina." pp. 172.

⁷ Adhim and Yuliati, "Konflik Terbentuknya Negara Israel Pada Tahun 1948-1973." pp.65

⁸ Yusliana Noor, *Sejarah Timur Tengah (Asia Barat Daya)* (Yogyakarta: Ombak, 2014), 327-328.

⁹ Tika Tazkya Nurdyawati, "Western Interest Dalam Proses Perkembangan Negara Israel (1917-1948) Sebagai Akar Utama Konflik Israel-Palestina," *Ampera: A Research Journal on Politics and Islamic Civilization* 1, no. 1 (January 25, 2020): 24–37, <https://doi.org/10.19109/ampera.v1i1.5204>.

and rebellion between the Palestinian Arabs and the Jews continued until after the end of World War II; the British Government officially handed over the Palestinian territories to the United Nations (UN). Under the purpose of the establishment of the UN, namely for the sake of creating world peace, the UN has made various efforts to resolve the conflict over territory between Palestine and Israel.¹⁰

The Organisation of Islamic Cooperation (OIC) were also formed to maintain the security and peace of Muslims in the world. The OIC's membership consists of 57 sovereign countries, where these countries have full ability to act as long as it doesn't violate the principles of international law, doesn't intervene in other countries, and don't conflict with the regulations contained in the OIC's main instruments. The OIC has conducted consultative relations and cooperation with the UN and resolved conflicts involving member countries. The new OIC-2025 program is based on the OIC Charter with 18 priority areas and 107 objectives. The priority areas include peace and security, Palestine and Al-Quds, poverty alleviation, counter-terrorism, investment and finance, science and technology, food security, culture, and interfaith harmony, moderation, climate change, women's empowerment, human rights, and good governance.¹¹

The aggression carried out by Israel against Palestine continues to this day, caused many victims consisting of civilians, furthermore, as a result of these attacks, many public facilities were seriously damaged, such as schools, hospitals, and places of worship. This matter certainly has violated humanitarian principles and also violated the provisions of international humanitarian law. Moreover, in 2017, the illegal recognition of the United States Embassy for Israel in Jerusalem indirectly recognized Jerusalem as the capital of Israel and is a violation of international law.

The writing of this journal was carried out to discover the OIC's role in maintaining Muslim peace in the world and how the OIC's response to Israeli aggression against the Palestinian people and the relocation of the United States Embassy to Jerusalem. To answer these problems, research must be carried out. According to Soerjono Soekanto, research is a scientific activity based on analysis and construction carried out in a structured, methodological, and consistent manner to reach the truth and know what is being faced.¹² The research method used in writing this journal is normative legal research or library law research, namely legal research conducted by reviewing secondary legal materials.¹³ The approach that will be used is a historical approach to find out the beginning of the conflict between Palestine and Israel and an analytical approach to finding out the efforts made by the OIC for Israel's aggression against the Palestinian people and the United States Embassy relocation to Jerusalem under the provisions of international law.

Under the normative legal method, the source of data used is secondary data to find information, obtain a lawful basis, and define a term.¹⁴ Secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are binding legal materials, such as international agreements and national legislation. Secondary legal materials are legal materials that describe explanations of primary legal materials, such as books, journals, and articles. Tertiary legal materials are legal materials that explain primary legal materials and secondary legal materials, such as the Big Indonesian Language Dictionary, legal dictionaries, and the internet. Data collection in writing this journal is done utilizing

¹⁰ Rezki Satris, "Peranan Politik Luar Negeri Indonesia Terhadap Palestina Pasca Pengakuan Jerusalem Sebagai Ibu Kota Israel," *Politea* 2, no. 2 (October 15, 2019): 161, <https://doi.org/10.21043/politea.v2i2.5884>.

¹¹ Organisation of Islamic Cooperation, "History", November 14, 2021. Available online https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en.

¹² Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2012), 3.

¹³ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2015), 13.

¹⁴ Burhan Ashshofa, *Metode Penelitian Hukum* (Jakarta: Rineka Cipta, 2013), 20.

library research which is then analyzed qualitatively to get knowledge and information about the problems.¹⁵

Previous research regarding the relocation of the United States embassy to Jerusalem has been carried out by Teguh Maulana Rizky Pohan in his undergraduate thesis entitled *Legal Status of the Jerusalem Region Due to the Movement of the United States Embassy From Tell Aviv to find out the factors that underlie the United States moving its embassy to Jerusalem and find out the legal status of Jerusalem as a result of the relocation, as well as to find out how the international community responded to the relocation. The novelty of this research is about the responsibility of the OIC as a subject of international law in maintaining world peace and security, especially in Palestine after the aggression carried out by Israel and also the relocation of the United States embassy to Jerusalem.*

B. Discussion

1. A Brief History of the Establishment of the OIC

For eight years, from 1940 to 1948, the Jews occupied most of the Palestinian territories by expelling, abandoning, and carrying out aggression against the Palestinian Arabs. The act culminated with the proclamation of Israel on May 14, 1948.¹⁶ Furthermore, from 1948 to 1968, Israel continued to carry out aggression against the Palestinian Arabs. Israel won the six-day war in 1967 by legally and politically controlling the Al-Aqsa Mosque, Bayt Al-Maqdis, and East Jerusalem. In 1969 Israel burned down the Al-Aqsa Mosque, which caused outrage among Muslims worldwide. As a result of the burning, an international organization based on a religious philosophy was formed called the OIC.¹⁷ The OIC was formed based on a decision at a historic conference on 12 Rajab 1389 H or coincided on September 25, 1969 located in Rabat, Morocco which was the result of a High-Level Conference discussing the crime of burning the Al-Aqsa mosque in Jerusalem.

Starting from the attack carried out by Israel against Palestine in the burning of the Al-Aqsa Mosque located in the City of Al-Quds (Jerusalem) which occurred on August 21, 1969. This incident made Muslims around the world angry and condemned the incident as a desecration of the holy place for the Muslim world. Until the end, several countries with Muslim populations initiated the formation of organizations and mobilized the power of the Islamic world against Israel's arbitrariness in carrying out the arson and violence that had been committed by Israel, and finally the OIC was formed.

This conference was the beginning of the formation of the OIC at the initiative of kings such as from Saudi Arabia, namely King Faisal and from Morocco, namely King Hasan, and the Preparatory Committee namely Iran, Malaysia, Nigeria, Pakistan, Somalia, Saudi Arabia, and Morocco. On September 22-25, 1969, the first Islamic Summit was held.

2. The OIC's Role in Muslim Peace in the World

From the background of the formation of the OIC, there is a response that the OIC is more concerned with the affairs in the Arab region and the Middle East. This assumption can't be completely denied, because:

- a. There are world affairs that are the center of international attention, one of which occurs in the Arab region and the Middle East
- b. Middle East and Palestinian affairs are more in the center of attention because there are disputes related to religion and Muslims from all over the world. And half of the OIC member countries come from the Middle East.

¹⁵ Sabian Utsman, *Metodologi Penelitian Hukum Progresif* (Yogyakarta: Pustaka Pelajar, 2014), 28.

¹⁶ Nurjannah and Fakhruddin, "Deklarasi Balfour : Awal Mula Konflik Israel Palestina." pp.24

¹⁷ Wiwin Yulianingsih and Moch. Firdaus Sholihin, *Hukum Organisasi Internasional* (Yogyakarta: Andi Offset, 2014), 37.

Even so, other international issues often receive more attention from the OIC. In political matters, the OIC pays attention to the India-Pakistan conflict, South Africa, South Philippines, Afghanistan, and others.

In the economic field, the "Consolidated Fund for the Development of the Islamic World Program" has been collected. This is to assist the development programs of OIC member countries. The fundraising resulted in an "Action Plan to strengthen economic cooperation among OIC member countries".

In addition, in its efforts to develop in the socio-cultural field, the OIC has established many additional institutions such as those dealing with issues of education, science and technology, law, culture, whose duties are almost the same as those of the UN specialized agencies. Among these additional institutions include: the International Commission on Islamic Cultural Heritage which deals with issues concerning the preservation of Islamic cultural heritage in Islamic countries; Islamic Jurisprudence Academy which aims to study issues concerning the life of "ijtihad" derived from the Islamic tradition; the International Islamic Law Commission to contribute to the advancement of the principles of Islamic Law and its codification; and others.

3. Israel Aggression Against Palestinian People

The Ottomans have long dominated Palestine, that is, since this region and the Middle East generally came under its rule for no less than three centuries. In 1917 Palestine changed hands from the Ottoman Turks to British Imperialism as a result of the defeat of the Ottoman Turks.

On November 2, 1917, the British made an offer, namely to divide the territory into 2, namely, east of the Jordan river belonging to Palestinian Jews, and west of Jordan river belonging to Palestinian Arabs. At that time, the place designated for Palestinian Arabs was called Trans Jordan, and its territory was much larger than the area for Palestinian Jews. The British gave the Arabs 77% of the promised land to the Jews, while the Jews received 23%. Although they were disappointed because they felt that their promise was broken by the British, the Jews relented and still accepted the division. On July 24, 1922, the division of the territory was changed, becoming Palestinian Jews got 28,166 square kilometres and Palestinian Arabs got 92,300 square kilometres. However, it turns out that this division has not been accepted by the Arabs, they still want all of Palestine under Arab rule, since the issuance of the Balfour Declaration, Palestinian Arabs have continued to attack and threaten the Palestinian Jews. Meanwhile the Jews who have got 23% of the Palestinian territories, are trying hard to protect themselves. They formed an army known as the Haganah and the (more militant) Irgun. Protecting and saving the Jews from Arab attacks especially from the Fedeyen (Arab-Palestinian suicide squad) is their job.

Since 1920, the situation in Palestine has been getting worse because of the impact of massive immigration carried out by Jews throughout the world to Palestine. This made the Arabs even more angry. Finally on May 14, 1948 Davin Ben-Gurion, the first Prime Minister of Israel declared Israel in Palestine¹⁸ so the Arabs joined forces to attack Israel and seize Palestine. The war lasted from 15 May 1948 to 10 March 1949 and was won by Israel. Israel's territory also increased beyond what was previously determined by the UN.

The defeat of the Arabs in the 1948 Arab-Israeli war and the defeat of Egypt in the 1956 Suez crisis, led to six consecutive days of war on June 5-10, 1967. This six-day war took place between Israel and the United Arab States, namely Egypt, Jordan, and Syria. The three also received active assistance from Iraq, Kuwait, Saudi Arabia, Sudan and Algeria.

On June 5, 1967, Israel carried out an attack on an Egyptian air force base for fear of an invasion by Egypt. Jordan then carried out attacks in West Jerusalem and Netanya. At the end of the war, Israel conquered East Jerusalem, the Gaza Strip, the Sinai Peninsula, the West Bank,

¹⁸ Jaya Ahmad Nurjaman, "Trump's Peace to Prosperity Plan: Kesepakatan Untuk Mewujudkan Perdamaian Israel-Palestina," *Dharmasiswa Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia* 1, no. 2 (2021): 792.

and the Golan Heights. The result of this war is that it affects geopolitics in the Middle East to this day. Territories that have been conquered by Israel still have a long story. The results of Israel's victory also brought changes in religious terms such as a ban on entering the holy city of Jerusalem. Israel also makes it difficult for young Muslims to worship for security reasons. As a result, the Arabs wanted to reclaim the territories conquered by Israel.

The Oslo I 1993 and Oslo II 1995 agreements were carried out by Palestine and Israel to achieve peace, but riots occurred again in the Al-Aqsa tunnel in 1996. Israel continues to carry out aggression against Palestine. Israeli attacks escalated on Gaza in 2008. Israel launched rockets at Hamas areas and civilians. Hamas also took revenge against Israel. Palestinian civilians who have become victims made the conflict between the two countries heated up. Israel has blocked all donations to the Palestinian people. Hamas immediately counterattacked every time an Israeli Zionist attack was launched. When the Zionist army massacred Muslims at the Ibrahim Mosque in the city of Hebron, the Zionists were also shocked by the retaliatory action from Hamas. Israel's arrogance paused for a moment.

Israel gained sovereignty over the Palestinian territories, so the Israeli territory continued to grow. The acquisition of sovereignty carried out by Israel is through the annexation process. Annexation is the result of violent aggression carried out by a country against another country or as a result of the use of force that is contrary to the UN Charter, can't be recognized by other countries.¹⁹ The aggression carried out by Israel is an international dispute because it is an armed conflict. Israel's actions are getting more massive, causing many casualties, both from the Palestinian people and the Israeli people, thus getting the attention of the international community.²⁰

Israel's economic losses according to the Israeli newspaper *Yedioth Ahronoth* are around USD 37 million per day during the fighting in Gaza. The value of Israel's economic losses incurred during the eight days of attacks on Gaza is the same as that of the 50 days of attacks launched on the Gaza Strip in 2014. The newspaper reported that 4000 Israelis demanded compensation for the damage to their homes, furniture, vehicles and buildings. Factories, warehouses, companies, shops, and agricultural projects around Gaza suffered heavy losses due to the rockets fired into Gaza. Meanwhile, Tal Inbar, former chair of the Fisher Institute's space research center, estimates the cost of Israel's defense system, the Iron Dome Interceptor, at \$5,000 and \$100,000, respectively.²¹

As a result of Israel's bombardment of Gaza caused losses and casualties. The losses incurred so far are as many as 16,800 housing units have been damaged. 1,800 unfit for living, 1,000 units completely destroyed and a number of other public facilities.²² While the victims killed 5,736 Palestinians and 251 died in Israel.²³ This case based on international law has violated human rights and violating international humanitarian law, where civilians, including women and children should be protected under the Geneva Convention IV, as well as health workers who should not be attacked under the Additional Protocols of the Geneva Convention I. Many public facilities were also badly damaged, which should not be attacked, so that the aggression carried out by Israel has caused a lot of losses and unnecessary suffering.

4. Relocation of the United States Embassy for Israel to Jerusalem

¹⁹ J.G. Starke, *Pengantar Hukum Internasional 1 Edisi Keempat Belas* (Jakarta: Sinar Grafika, 2018), 220.

²⁰ Setyo Widagdo and Rika Kurniaty, "Prinsip Responsibility to Protect (R2P) Dalam Konflik Israel- Palestina: Bagaimana Sikap Indonesia?," *Arena Hukum* 14, no. 2 (August 31, 2021): 314–27, <https://doi.org/10.21776/ub.arenahukum.2021.01402.6>.

²¹ Hari Ariyanti, "Kerugian Ekonomi Israel Capai USD 2,14 Miliar Selama Serangan ke Gaza," *merdeka.com*, November 14, 2021. Available online <https://www.merdeka.com/dunia/kerugian-ekonomi-israel-capai-usd-214-miliar-selama-serangan-ke-gaza.html>.

²² Elba Damhuri, "Perang Palestina-Israel, Ekonomi Siapa Yang Paling Hancur?," *Republika.co.id*, 2021.

²³ Agaton Kenshanahan, "Korban Jiwa Konflik Yerusalem 2008-2021: Palestina 5.736, Israel 251", *kumparanNEWS*, November 14, 2021. Available online <https://kumparan.com/kumparannews/korban-jiwa-konflik-yerusalem-2008-2021-palestina-5-736-israel-251-1v1NWws8xHG/full>.

Palestine and Israel were accepted as members of the UN in May 1949. To maintain their existence, Palestine and Israel opened diplomatic relations with other countries. On December 6, 2017, Donald Trump as President of the United States declared that the United States Embassy in Israel would be relocated from Tel Aviv to Jerusalem. Donald Trump's declaration indicates that the United States recognizes Jerusalem as the capital of Israel. Legally, this recognition doesn't provide good things for the United States, but this recognition certainly has very complex political implications for the interests of the country concerned.²⁴ Donald Trump's statement also caused controversy in various countries because it was considered to have violated the provisions of international law. The UN has made efforts to resolve the conflict between Israel and Palestine, including through the issuance of UN resolutions that are casuistic.²⁵ UN General Assembly (UNGA) Resolution Number 181 of 1947 states about the determination of Bethlehem and Jerusalem as separate parts (*corpus separatus*) in the international zone, as well as the division of the Palestinian territory into two states, Palestine as much as 45% and Israel by 55%.²⁶

The UN Security Council (UNSC) also issued Resolution Number 242/1967 which requires Israel to hand back Jerusalem and other areas it captured during the six-day war, withdraw its armed forces from the occupied territory, recognize its integrity, sovereignty and political independence, and respect the right to life in security and peace.²⁷ In the following year, the UNSC again issued a resolution as a reaction because Israel as a UN member state didn't comply with UNGA Resolutions Number 2253 and 2254/1967.²⁸ UNSC Resolution Number 252/1968 contained an affirmation that all Israeli legislative and administrative actions were invalid, including the seizure of property and land leading to a change in the legal status of Jerusalem. In 1980 the UNSC passed Resolution Number 478 which rejected Israel's recognition of the statement that Jerusalem is the capital of Israel and instructed all member states to relocate their embassies from Jerusalem.²⁹

The UN reacted to Donald Trump's statement by issuing UNGA Resolution Number A/RES/72/15 on November 30, 2017 which reaffirmed that Israel's actions were illegal, null, and void, as well as coercion by Israel on its administration, law, and jurisdiction in Jerusalem has no validity and calls on Israel to immediately stop all such illegal and unilateral actions.³⁰ The illegal relocation and inauguration of the United States Embassy for Israel from Tel Aviv to Jerusalem was carried out on May 14, 2018. This policy was also supported by the Jerusalem Embassy Act or the 1995 Jerusalem Embassy Act which prompted the federal government to recognize that the capital of Israel is the capital city of Israel.³¹ Jerusalem and moving the United States Embassy for Israel from Tel Aviv to Jerusalem by May 31, 1999 at the latest. In 2017 the Recognition of Jerusalem as the Capital of the State of Israel Act was issued which stipulates congress to:

²⁴ Mas Nana Jumena and Efriyanto Efriyanto, "Pengakuan (Recognition) Amerika Serikat Pada Wilayah Golan Suriah Sebagai Wilayah Israel; A Tinjauan Dalam Hukum Internasional," *Nurani Hukum* 2, no. 2 (August 15, 2020): 70, <https://doi.org/10.51825/nhk.v2i2.8841>.

²⁵ Aos Yuli Firdaus and Yanyan M Yani, "Faktor Penghambat Perdamaian Konflik Palestina-Israel," *Jurnal Sosial Dan Humaniora* 5, no. 9 (March 19, 2021): 109, <https://doi.org/10.47313/ppl.v5i9.824>.

²⁶ Armando Christofel Wirajaya, "Penyelesaian Sengketa Palestina Dan Israel Menurut Hukum Internasional (Study Kasus Perampasan Wilayah Palestina Di Israel)," *Lex et Societatis* 8, no. 4 (October 20, 2020): 48, <https://doi.org/10.35796/les.v8i4.30909>.

²⁷ F O Damura, A Anwar, and ..., "Penggunaan Kekerasan Sebagai Cara Memperoleh Wilayah Bertentangan Dengan Hukum Internasional," *Tatohi: Jurnal Ilmu ...* 1, no. 4 (2021): 301, <https://fhukum.unpatti.ac.id/jurnal/tatohi/article/view/606>.

²⁸ Afandi Sitamala, "Public Discussion Palestine as Subject of International Law" (Jakarta, 2021), <https://youtu.be/Qik5HRLI1wg>.

²⁹ Khairul Mufid JR., *Yerusalem Propaganda Pembawa Petaka* (Yogyakarta: Mueeza, 2019), 218.

³⁰ Yanuar Albertus and I Gede Wahyu Wicaksana, "The Relocation of the United States' Embassy in Israel: Analysis of the Influence of Trump's Nationalist Worldview and United States' Domestic Politics," *Jurnal Global & Strategis* 14, no. 1 (June 8, 2020): 125, <https://doi.org/10.20473/jgs.14.1.2020.125-142>.

³¹ Rikhtin Noviani and Garry Gumelar Pratama, "Legitimization Of Jerusalem Embassy Act According to International Law," *Diponegoro Law Review* 6, no. 1 (April 30, 2021): 108–22, <https://doi.org/10.14710/dilrev.6.1.2021.108-122>.

- a. The United States legitimizes Jerusalem's sovereign status in full as the capital of Israel;
- b. Fulfill the commitment of the United States Government to Israel by relocating the United States Embassy from Tel Aviv to Jerusalem;
- c. Designation of Jerusalem as the undivided capital of Israel by the President and the United States Department of State;
- d. The President of the United States must implement the provisions of the Jerusalem Embassy Act 1995 and immediately carry out the process of relocating the United States Embassy to Jerusalem; and
- e. United States officials must comply with United States legal policies regarding the recognition of Jerusalem as Israel's undivided capital and the relocation of the United States Embassy from Tel Aviv to Jerusalem.

In addition to the Jerusalem Embassy Act, the relocation of the United States Embassy was also supported by the ambitions of Donald Trump and the fulfillment of his political promises during the campaign for the election of President and Vice President of the United States from 2015 to 2016. The impact of the relocation of the United States embassy to Jerusalem caused criticism from various countries because it made it more difficult for peace between Palestine and Israel to occur, and lead to acts of violence. Countries that have diplomatic relations with Israel, such as the United Arab Emirates, Singapore, Morocco and England have their embassies located in Tel Aviv, this is because Jerusalem is a *corpus separatus* based on UNGA Resolution Number 181 of 1947, so the relocation of the embassy from Tel Aviv to Jerusalem is a violation of international law.

5. Organization of Islamic Cooperation Responses on the Israel Aggression and the United States Embassy Relocation to Jerusalem

The OIC has committed to take responsibility for the good and peaceful survival of Muslims around the world. With regard to what happened to Palestine in 2018, where Israel continues to carry out aggression against the Palestinian people and the relocation of the United States Embassy for Israel to Jerusalem, Turkish President Recep Tayyip Erdoğan as chairman of the OIC for the 2017-2018 period invited all OIC members to hold a Conference of the Seventh Extraordinary Islamic Summit (EIS) in 2018.

The holding of the EIS is the OIC's way of making decisions. Apart from the EIS, OIC decision-making can also be made by the Secretary General of the OIC, through the Summit Conference, or through the Ministerial Level Conference. At the 2018 OIC Extraordinary Summit, the main documents produced on 18 May 2018, in the form of a final communique, which essentially contained the OIC's decision:³²

- a. Condemn Israel's criminal actions against the Palestinian people, particularly in the Gaza Strip;
- b. Declare Israel's actions as barbaric crimes with the support of the United States Government;
- c. Calling on the international community, especially the UNSC to uphold its legal obligations to defend, maintain international order, take responsibility for uncontrollable crimes, provide international protection for the Palestinian people, and end Israel's atrocities;
- d. Call for international protection of the Palestinian people, including sending international protection forces;
- e. Requesting the OIC General Secretariat to act immediately by establishing an International Independent Expert Committee tasked with investigating crimes and

³² Paragraph 1-30 Final Communique of the Seventh Extraordinary Islamic Summit Conference in Response to the Grave Developments in the State of Palestine 2018.

- massacres committed by Israel against peaceful and unarmed demonstrators in the Gaza Strip which will then be assessed as wrongdoing by Israeli officials and will be reported to the relevant international organizations;
- f. Calls on the UNSC, UNGA, UN Secretary General, UN Human Rights Council (UNHRC), Special Rapporteur and UN High Commissioner for Human Rights to take the necessary actions to establish an International Investigative Committee on atrocities in the Gaza Strip;
 - g. Calling on the UNSC, UNGA and UNHRC to carry out their responsibilities by inviting all countries to mobilize their efforts to immediately bring this issue to the agenda of the UNGA, UNSC and UNHRC;
 - h. Appreciate Kuwait's role as a non-permanent member of the UNSC and its immediate reaction to the bloody events in the Gaza Strip which asked the UNSC to convene an emergency meeting on 15 May 2018 to produce a resolution on the protection of civilian demonstrators;
 - i. Reaffirming the need to coordinate and cooperate with international and regional organizations, including the Arab League, European Union and African Union on this issue;
 - j. Reaffirming the centrality of the Palestinian struggle and the status of Al-Quds Al-Sharif for Muslims by inviting all countries to recognize Palestinian sovereignty;
 - k. Repeatedly rejecting the illegal decision by the President of the United States to recognize Al-Quds as the capital of Israel, that it is null and void, violates international legitimacy resolutions, and considers that the decision is an attack on the rights of the Palestinian people that threatens international peace and security, condemned the inauguration of the United States Embassy for Israel in Jerusalem, and designated the act as an act of provocation and hostility against Muslims;
 - l. Reaffirming that Al-Quds will remain the eternal capital of Palestine and the inauguration of the United States Embassy in Al-Quds doesn't change the legal status of Jerusalem;
 - m. Affirming the support and role of the Jordanian Al-Quds Department and the Islamic Waqf of Al-Aqsa Mosque in preserving and maintaining Al-Haram Al-Quds Al-Sharif;
 - n. Praise the continued efforts made by His Majesty King Mohammad VI as King of Morocco, Chair of the Al-Quds Committee, and the Bayt Mal Al-Quds Agency in defending the Holy City of Palestine;
 - o. Considers any country that follows, accepts, or agrees to the steps of the United States Administration to engage in undermining international law and order;
 - p. Calling on all OIC member countries to publicly condemn the actions of the United States and Israel, as well as to defend Palestinian national rights;
 - q. Affirming that the countries that run for international office will be supported by the OIC based on their role regarding the problems afflicting Palestine;
 - r. Urge all OIC members to be responsive to OIC resolutions on the Palestinian struggle;
 - s. Requesting OIC member countries to impose economic restrictions on Israel;
 - t. Calling on OIC member countries and other international organizations to embargo Israeli products;
 - u. Decided to take all measures, whether diplomatic, legal, or political, to defend the legitimate rights and aspirations of the Palestinian people;
 - v. Requires the United States to comply with international legitimacy resolutions relating to Palestine;

- w. Calling on the United States to oppose the Israeli occupation and impartially in order to achieve peace based on UN Resolutions, international law, the Arab Peace Initiative, and based on the principle of the two-state solution;
- x. Reaffirming the OIC's compliance with all adopted resolutions on the issue of Palestine and Al-Quds Al-Sharif, and calling on OIC countries to ensure the implementation of these resolutions in their foreign policy;
- y. Affirming that the OIC will continue to act in accordance with international law and cooperate with countries that share the same principles regarding Palestine to continue to assist Palestine;
- z. Emphasizing that the OIC cooperates with United Nations Educational, Scientific and Cultural Organization (UNESCO) and remains committed to allocating all necessary resources to maintain the status of the Al-Aqsa Mosque Complex;
- aa. Calling on OIC member countries to continue to implement previous OIC resolutions as a framework that will determine priorities and support the needs of Al-Quds Al-Sharif;
- bb. Underline the importance of United Nations Relief and Works Agency (UNRWA) providing vital services to more than 5.3 million Palestinian refugees, and urges OIC member states to increase their support for UNRWA initiatives;
- cc. Establishing the Development of a Waqf Fund as a means to further support the Palestinian refugees;
- dd. Reiterates the OIC's support for Palestinian refugees to return to their homes based on UNGA Resolution Number 194 and emphasizes the importance of recognizing the crimes of ethnic cleansing and murder against the Palestinian people that have occurred since the past 70 years as a necessary first step to achieve justice and peace.

The OIC rejected the US Administration Declaration, which recognized Al-Quds as Israel's capital, the occupying power, and the decision to relocate its embassy to Al-Quds and demanded they overturn this decision in compliance with UN Resolutions as well as international law. In addition, the OIC condemns the declaration of the President of the United States and considers this a blatant attack on the historical rights, laws of the Palestinian people, freedom and independence of Muslims by deliberately undermining efforts to achieve peace that threatens international peace and security.

Condemns and unjustified the actions of the United States Congress in supporting the colonialist and racist policies and practices of Israel, the occupying power and the crimes it commits, including the crime of ethnic cleansing. Affirming Palestinian sovereignty over all Palestinian lands including East Jerusalem, and stressing the need to implement any measures to prevent changes to the historical, legal or religious status of the City of Al-Quds Al-Sharif. Considering this dangerous declaration, which aims to change the legal status of Al-Quds Al-Sharif City, is null and void, has no legal value, and has no legitimacy as a serious violation of international law.

The OIC also called on the UN to end the Israeli occupation of Palestine and held the Trump administration responsible for all consequences by not withdrawing from this illegal decision. Calling on member states and the OIC General Secretariat to support Palestine's efforts to join international institutions and agreements, including full membership of the UN, as well as checking the legality of Israel's membership, and further urges all countries with embassies in Tel Aviv not to follow the steps of the United States. Reaffirming that all activities of the Palestinian state which were taken over by Israel have imposed laws and administrative procedures on the City of Al-Quds is an illegal act, therefore it doesn't apply according to the resolution.

As one of the international organizations, the OIC certainly acts as a subject of international law that has the authority to create certain rules of international law that have binding power

for its members. With the holding of OIC Extraordinary Summit and the issuance of a decision by the OIC, the OIC has carried out its responsibility to maintain the security and peace of Muslims in the world. In addition, with the violation of UNGA Resolution Number 181 of 1947 and UNSC Resolution Number 252/1968, the UN Security Council may impose sanctions on the United States.

C. Conclusion

With the occurrence of Israel's aggression against Palestine and the relocation of the United States Embassy for Israel to Jerusalem, it has caused criticism from various countries. This became a focal point for the OIC to carry out an extraordinary summit in 2018 as a form of its responsibility in maintaining peace and security of Muslims in the world. The decision from the extraordinary summit is certainly binding on OIC member countries.

The OIC also rejected the US Administration's Declaration in December 2017, which recognized Jerusalem as Israel's capital, the occupying power, and the decision to move its embassy to Jerusalem and demanded they overturn this decision and comply with UN Resolutions and international law.

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