

CHAPTER ONE

INTRODUCTION

A. Background

War is inevitable. This opinion is reflected in the results of several studies which state that in humans there is an instinct to hurt or attack.¹ Because war is inevitable, a legal regulation is made which attempts to regulate that a war can be carried out by observing humanitarian principles.

The main purpose of war is indeed to win the battles; nevertheless, war cannot be carried without any limitations; without restrictions on the conducts of war, the parties that are not directly involved in the war such as civil society, specifically children will be victims. Due to this concern, thoughts that focus on the rules and concepts of war and protection of children are established. But, unfortunately these protections are not really effective to protect the children in the Syrian armed conflict because the limited access of humanitarian aids into Syria and the lack of information on the protection and needs of children. This leads to the crisis of child protection in the Syrian armed conflict.

The armed conflict in Syria occurred because of a civil war. Beginning with the protest on the rise of the Arab world, then escalating to armed conflict after violence protests to the government for the enactment of President Bashar Al-Assad from his position as a president at that time.²

¹ Ambarwati, dkk., 2009, *Hukum Humaniter Internasional dalam Studi Hubungan Internasional*, Jakarta, Cetakan Pertama, Rajawali Pers, p. 4

² A. Muchaddam Fahham, A.M. Kartaatmaja, 2014, *Konflik Suriah: Akar Masalah dan Dampaknya*, *Politicia*, Vol. 5 No. 1 June, Jakarta, p. 1.

The conflict in Syria has been on-going since March 2011 until now, but there is no sign of this war will come to an end. As a result, so many victims, thousands of refugees, millions of children have lived in stress and ruins of war, and thousands of children who were misplaced and orphaned by the loss of their parents.³ More than 10,000 children have been killed and tens of thousands have been crippled by the war that has lasted from 2011 until now. Boys and girls of all ages have been victimized, or exposed to extreme violence, including armed violence, sexual violence and torture in custody.⁴

Armed conflict throughout the world has proven that there are profound impacts on children, such as the impediment of learning and teaching and health. Since World War II, children have been involved and actively participating in the armed forces. The active participation of children in hostilities has attracted the attention of the international community.

This armed conflict does not only cause physical injury but also psychological trauma. Mental or traumatic wounds are obviously experienced by children because of their unstable mental state; children are not supposed to witnessing such horrors and violence, moreover experiencing war for themselves, as exposure to these conditions can cause prolonged trauma until they grow up. In addition, to causing physical and mental injuries or traumas, armed conflicts also causes prolonged grief for families who lost family members in the war and armed conflict. The involvement of children in armed conflict or the recruitment or target of armed conflict is a violation of the rights of the child and may have serious and long-term impacts on the child's growth development.

³ *Ibid*

⁴ Megan Price, Anita Gohdes, Patrick Ball, 2014, Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic, p. 1.

The Syrian revolution has caused many to suffer. According to Under-Secretary-General of the United Nations at the UN Department of Political Affairs from 2007 to June 2012, B. Lynn Pascoe, stated that the death toll from the Syrian conflict reached 7,500.⁵ There are reports that the death toll exceeds 100 civilians every day and mostly women and children. The Syrian government declared a loss of 1,345 security forces and named as many as 2,493 civilians killed. The United Nations (UN) Human Rights Council confirmed that the death toll due to Syrian military repressive action was the largest and the most in comparison to similar actions.

B. Research Question

1. What are the factors that create the crisis of child protection in Syrian armed conflict?
2. What is the solution for the crisis of child protection in Syrian armed conflict?

C. Research Objective

1. To know the factors that cause the crisis of child protection in Syrian armed conflict.
2. To find out the solution for the crisis of child protection in Syrian armed conflict

D. The Benefit of Research

There are some benefits of the research, namely:

1. Theoretical Benefits

⁵ The CNN Wire Staff, CNN Middle East, "U.N.: Syria Death Toll 'Well Over' 7,500", 2012, taken from <https://edition.cnn.com/2012/02/28/world/meast/syria-unrest/index.html>, accessed on 15 April 2018 at 7:36 pm

The research would give benefits to know the cause of the crisis of child protection and to understand reasons why International Humanitarian Law is not effective in protecting the Rights of Child in Syrian armed conflict.

2. Practical Benefits

This research would provide a better understanding of the cause of the crisis of child protection and understand reasons why International Humanitarian Law is not effective protecting the Rights of Child in Syrian armed conflict.

E. Overview of the Chapters

This research consists of five chapters, namely: Chapter I Introduction. Chapter II: Literature Review. Chapter III: Research Methods, Chapter IV: Result and Discussion, and Chapter V: Conclusion and Recommendation.

The thesis aims to know about the factors that cause the crisis of child protection and learn how to find solution which is considered more effective in protecting child casualties in Syrian armed conflict. This research will elaborate the topic systematically by dividing it into five chapters.

The first is Chapter I, consisting of Introduction, will elaborate general matter, such as Background, Research Question, Research Objective, Research Benefits, and Overview

of The Chapter. The background contains the history of how Syrian armed conflict occurred and its impact against children. Problems of the topic are the factor that create crisis of child protection and the solution for the crisis of child protection in Syrian armed conflict.

The second is Chapter II is literature review, will elaborate each variable on this undergraduate thesis, such as: The definition of Human Rights, Protection Rights of Children, and International Humanitarian Law.

The third is Chapter III; this chapter elaborated research method which used in this research. The discussion is started from the type of research, legal materials, method of collecting data, and method of data analysis. Type of this research is normative legal research. The research applies statute, historical and case approaches. The data were gathered from some literature consist of primary legal material, secondary legal material, and tertiary legal material. Furthermore, the data were taken through library research and analyzed systematically by using the qualitative and descriptive method.

The fourth is Chapter IV, Findings and Analysis, the chapter elaborates the case with the normative legal research, with case approach. The focus of this research is on the factors that create crisis of child protection and solution to stop the crisis of child protection in Syrian armed conflict.

The last is Chapter V, Closing. Contain the conclusions and the suggestion from the author toward all of the result of the research