

## CHAPTER I

### INTRODUCTION

#### A. Background

Everyone has the right to live peacefully and it is a right inherent to all human beings. It is earlier listed on the Article 3 in the Universal Declaration of Human Rights with states that “everyone has the right to life, liberty and security of person”.<sup>1</sup>

Security of the individual is a basic human right and the protection of individuals is, accordingly, a fundamental obligation of Government. States therefore have an obligation to ensure the human rights of their nationals and others by taking positive measures to protect them. So as the society can have a secured and comfortable living.<sup>2</sup>

Nowadays, people living unsecure life because wide range of crimes happened in this society especially act of terrorist in past few years. And it is more often done by means of the action of bombing that swallow up a lot of innocent victims. The innocent victims of terrorist suffer an attack on their most basic right to live in peace and security.

Issue about terrorist is seems not just more lethal and more common, but more widespread in international community and continued appear in the media. Countries in the world lately taken aback of the

<sup>1</sup> Universal Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/> downloaded on 14 Oct 2016

<sup>2</sup> Human Rights & Terrorism : An Overview [http://terrorism.about.com/od/humanrights/a/Human\\_Rights.htm](http://terrorism.about.com/od/humanrights/a/Human_Rights.htm) downloaded on 14 Oct 2016

presence of a new religious group that based on Islamic. The religious group considered by international community as a radical religious group, moreover there are called it as a terrorist. Issue of crimes committed by a group named of Islamic State of Iraq and Syria (ISIS).<sup>3</sup>

ISIS is a Salafi militant organization in Iraq and Syria whose goal is the establishment and expansion of a caliphate founded by Osama Bin Laden known as Abu Musab Al-Zarqawi in 1999. After Zarqawi's death in 2006, a leading follower Muharib Al-Jaburi established the Islamic State of Iraq and the newly appointed leader of ISI was Abu Omar Al-Qurashi Al-Baghdadi.<sup>4</sup>

The Islamic State of Iraq and Syria (ISIS) is an Islamic extremist rebel group controlling territory in at least four countries, including Libya, Nigeria, Iraq, Syria with operations or affiliates in Lebanon, Egypt, and other areas of the Middle East North and West Africa, South, and Southeast Asia.<sup>5</sup>

The main aim or purpose of the ISIS as known to the people is to create an Islamic state, also called a caliphate, across the areas of Iraq and Syria. ISIS has now its control an estimated area of about 30,000 square miles including the territories of Iraqi governorates of Baghdad, Al-Anbar, Diyala, Kirkuk, Salah Al-Din, Nineveh, and certain portions of Babil,

<sup>3</sup> Pertentangan ISIS.

<http://regional.kompas.com/read/2014/08/07/14463811/Mengapa.ISIS.Dilarang.di.Indonesia>. downloaded on 15 Oct 2016

<sup>4</sup> Everything About ISIS 8 Must Know Facts. <http://listovative.com/everything-about-isis-8-must-know-facts/> downloaded on 15 Oct 2016

<sup>5</sup> Main Facts of ISIS <https://politics.naij.com/427194-the-main-facts-about-isis.html> downloaded on 17 Oct 2016

Certain Syrian territories of Al-Barakah, Al-Kheir, Ar-Raqqah, Al-Badiya, Halab, Idlib, Hama, Damascus and certain areas from the coastal region.

Islamic State of Iraq and Syria (ISIS) has been merciful on none and unlike terrorist organizations that target other religions, Islamic State of Iraq and Syria (ISIS) targets mostly Islamic states and also followers of Islam to submit to their absolute power.

Beheadings, burning people alive, mass executions of captives, women being raped and the destruction of cultural sites have been making newspaper headlines in the past few years. These are the methods of ISIS terror. More than 10,000 people had died subject to brutality, stoning in the first half on 2014 alone. ISIS is committing genocide against Christians, Shia Muslims and Yazidis. Also, the group is one of the first terrorist organizations to take pride by sharing their brutality on social media.<sup>6</sup>

United Nations Security Council Resolution 1566 condemned terrorist acts as criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no

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<sup>6</sup> The Islamic State. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/1>. downloaded on 16 Oct 2016

circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

ISIS poses a direct threat to international safety and security, as they are the largest in land control and fighting size, and wealthiest terrorist organization in history. And the terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights, the rule of law, rules governing armed conflict and the protection of civilians, tolerance among peoples and nations and the peaceful resolution of conflict.<sup>7</sup>

The Security Council determined that the Islamic State in Iraq and the Levant (ISIS) constituted an unprecedented threat to international peace and security, calling upon member states with the requisite capacity to take all necessary measures to prevent and suppress its terrorist acts on territory under its control in Syria and Iraq. The United Nations has unanimously adopted a sweeping anti-ISIS resolution imploring the world to unite to defeat ISIS. It called on member states to redouble and coordinate their efforts to prevent further terrorist horrors.

Although it can be seen the United Nations has been carrying out the duties and authority in the international, such as the United Nations Human Rights Council had found information that refers to the practice of genocide, crimes against humanity and war crimes committed by ISIS

<sup>7</sup> Human Rights, Terrorism, Counter-terrorism.

<http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> downloaded on 14 Oct 2016

group. The United Nations Human Rights Council also requested the United Nations Security Council to consider bringing the case to the International Criminal Court (ICC). Despite United Nations means against the ISIS group, but ISIS group still exists.

So in accordance to the terror of ISIS group is a crime against humanity and civilization as well as a serious threat to humanity and human civilization and a serious threat to the integrity and sovereignty of a state, researcher wants to know whether the binding international law or international instruments already enacted to the act of ISIS group. Therefore, the title of this research is **“International Law Approaches to the Terrorism Conduct of Islamic State of Iraq and Syria (ISIS)”**.

## **B. Research Question**

The researcher has identified some core problems based on the background research above. The research questions are as follows:

1. How the status ISIS group based on international law?
2. How is the role of the United Nations on the acts of ISIS group?
3. What are the efforts taken by the international community in facing the acts of the ISIS group?

### **C. Research Objectives and Benefits**

#### **Research Objectives:**

The purposes of this research are:

1. To know and analyze the status of ISIS group based on International Law.
2. To know and analyze the role of United Nations on the acts of ISIS group.
3. To know and analyze the efforts taken by the international community in facing the acts of the ISIS group.

#### **Research Benefits:**

The benefits of this research are:

1. To the readers in understanding whether the status of ISIS group based on International Law.
2. To the readers in understanding whether the role of United Nations on the acts of ISIS group.
3. To the readers in understanding the efforts taken by the international community in facing the acts of the ISIS group.