

Legal Imbalances in UN Peacekeeping Operations: Peacekeeper Status, Accountability, and the Protection of Indonesian Peacekeepers under International Humanitarian Law

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ABSTRACT

United Nations peacekeeping operations face legal ambiguities due to the expansion of robust mandates that blur the status of peacekeepers as non-combatants, creating gaps in protection and accountability in conflict areas such as the Democratic Republic of Congo (DRC). This study aims to analyze the legal regime governing the status and protection of Indonesian peacekeepers, examine the internalization of International Humanitarian Law (IHL) norms in national policy and training, and formulate recommendations for reform. This research employs a normative juridical method using statute, conceptual, and case approaches, with data collected through a systematic review of secondary legal materials, including international conventions, United Nations documents, and recent academic literature. The Democratic Republic of Congo (DRC) is selected as a representative case of complex United Nations peacekeeping mandates. The findings show that the liminal status of peacekeepers creates accountability gaps, particularly during Direct Participation in Hostilities (DPH) and Protection of Civilians (PoC) mandates. Furthermore, the internalization of International Humanitarian Law (IHL) within Indonesia's Vision 4,000 Peacekeepers Roadmap remains fragmented, especially in aligning legal frameworks, training, and Rules of Engagement (ROE). This study recommends developing contextualized ROE, integrating DPH standards into training, and strengthening coordination between Indonesia and the United Nations. It highlights the need for clearer legal frameworks and stronger accountability mechanisms while providing insights for troop-contributing countries in enhancing the protection and responsibility of peacekeepers.

Keywords: Accountability; International Humanitarian Law; UN Peacekeeping; Indonesian Peacekeepers; Legal Imbalances.

I. INTRODUCTION

Peace operations are institutions such as missions, field offices, or special envoys assigned bilaterally or multilaterally to a country or region. These assignments are usually carried out with the explicit consent of the host state and frequently stem from peace agreements or conflict resolution arrangements. Peace operations have a mandate to implement appropriate measures to mitigate crises, terminate violent hostilities, and establish lasting peace. Peacekeeping missions may be deployed before, during, or after the active phase of a conflict to support stability and security.¹

Peace operations are based on the United Nations (UN) Charter, which provides to settle disputes peacefully (Chapter VI, Article 33) and vests The Security Council is vested with the authority to authorize the use of force against threats and breaches of peace (Chapter VII, Article 42).² This Charter is reinforced by the ethical foundation of the Universal Declaration of Human Rights and regional commitments in the ASEAN Charter to peace and peaceful dispute resolution. At the national level, the 1945 Constitution based on the legal framework established by Law No. 2/2002 concerning the National Police and Law No. 34/2004 concerning the Indonesia National Armed Forces (TNI) form the legal basis governing Indonesia's engagement in UN peacekeeping activities,³ tasking the Indonesia National Armed Forces (TNI) and Indonesian National Police (Polri) with assisting in the responsibility for ensuring international peace and security in accordance with Indonesia's foreign policy. Within this framework, the main issue arises regarding the juridical status and legal protection of Indonesian peacekeepers in armed conflict areas. Various studies show that the legal regime for peace operations, which is based on Status of Forces Agreement (SOFA), UN immunity, and the criminal jurisdiction of the sending country, creates a "liminal" position for peacekeepers and

¹ ZIF. "What Is a Peace Operation?" *WHAT IS A PEACE OPERATION?* | ZIF Berlin, ZIF Center for International Operations, www.zif-berlin.org/en/what-peace-operation. Accessed 6 Dec. 2026.

² "International Law, Codification, Legal Affairs, Legal, Committee, Terrorism, Charter, Criminal Accountability, Administration of Justice, Jurisdictional Immunities, Cloning, Safety of United Nations and Associated Personnel, Ad Hoc, Diplomatic Conferences, Reports of International Arbitral Awards, Summaries of International Court of Justice Judgments and Advisory Opinions, Legislative Series, Juridical Yearbook, Repertory of Practice of United Nations Organs, Books." *United Nations*, United Nations, 1945.

³ Indonesia, Law Number 34 of 2004 on the Indonesian National Armed Forces, State Gazette No. 127 of 2004, <https://peraturan.bpk.go.id/Details/40774/uu-no-34-tahun-2004>. Accessed 6 Dec. 2025.

opens up an "accountability gap" when serious violations occur, including sexual violence and abuse of power.⁴

The unclear division of jurisdiction between the host country, the UN, and the sending country, coupled with the weak internalization of International Humanitarian Law (IHL) and human rights norms in policy and training, creates a protection gap for both civilians and peacekeeping personnel themselves.⁵ UN peacekeepers occupy a liminal legal status because they are not explicitly regulated in the UN Charter, but are instead surrounded by a special regime that provides strong protection and creates gaps in criminal accountability.⁶ In practice, civil protection mandates now often allow the application of force in defense of civilians. In the field, the implementation of this mandate is not always clear due to differences in understanding between countries, different military cultures, and the reluctance of troops to use force.⁷ Research shows that the deployment of a substantial number of peacekeepers may reduce violence against civilians by non-state armed groups, but is far less effective when the perpetrators of violence are local government officials.

For the Garuda Contingent, several studies emphasize the importance of professionalism, discipline, leadership, and the ability to adapt to local cultures. These factors have been shown to improve performance, discipline, and good relations with the community, which ultimately strengthens Indonesia's reputation as a dependable contributor to peace operations.⁸ Indonesia used the 2015–2019 Roadmap for the Vision of 4,000 Peacekeepers policy to increase the contribution of its troops, strengthen its

⁴ Van Leeuwen, Jayden. "Addressing the gap: Accountability Mechanisms for peacekeepers accused of sexual exploitation and abuse." *Victoria University of Wellington Law Review*, vol. 50, no. 1, 2019, pp. 135–157, <https://doi.org/10.26686/vuwlr.v50i1.5556>.

⁵ Rašević, Zivorad. "The decline of military observers in contemporary UN missions – one experience from MONUSCO." *International Peacekeeping*, vol. 32, no. 4, 2025, pp. 729–750, <https://doi.org/10.1080/13533312.2025.2461160>.

⁶ Müller, Tanja R. "Protection of civilians mandates and 'collateral damage' of UN peacekeeping missions: Histories of refugees from Darfur." *International Peacekeeping*, vol. 27, no. 5, 2020, pp. 760–784, <https://doi.org/10.1080/13533312.2020.1803745>.

⁷ Podder, Sukanya, and Kaushik Roy. "Use of force to protect civilians in United Nations peacekeeping: Military culture, organisational learning and troop reticence." *Civil Wars*, vol. 26, no. 1, 2022, pp. 74–97, <https://doi.org/10.1080/13698249.2022.2119506>.

⁸ Nasution, Muhammad Faizal, et al. "Pendekatan Strategis Dan operasional Kontingen Garuda XXXIX-D monusco Dalam Menjaga perdamaian dunia." *Journal of Education, Humaniora and Social Sciences (JEHSS)*, vol. 7, no. 2, 2024, pp. 742–758, <https://doi.org/10.34007/jehss.v7i2.2353>.

diplomatic position at the UN, and assert Indonesia's identity as a peace-loving country that actively carries out its constitutional mandate to participate in maintaining world peace.

Based on these conditions, there appears to be a discrepancy between the expansion of the peacekeeping mandate and the clarity regarding the implementation of IHL to peacekeepers and armed parties in the field, particularly in the Democratic Republic of the Congo (DRC). Therefore, this research endeavors to critically analyze the legal regime governing the status and protection of Indonesian peacekeepers in UN operations, examine the extent to which IHL norms are internalized in policies, training, and Rules of Engagement (ROE), and formulate recommendations for training reforms and accountability mechanisms that are more contextual to the dynamics of the conflict in the DRC. The global discourse on peace operations also shows that the expansion of mandates and the complexity of missions have actually widened the accountability deficit, as existing mechanisms are not commensurate with the risks of human rights violations and failures to protect civilians.

This research is conducted using a normative juridical methodology with a focus on examining internal aspects of positive law within the scope of legal concepts, legal principles, and legal rules. The analysis combines three normative approaches, namely the case approach, which examines concrete examples of UN peace operations such as UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), UN Interim Force in Lebanon (UNIFIL), and UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and uses official UN reports, Non-Governmental Organization (NGO) reports, and findings from secondary data related to violations or inconsistencies in the application of IHL; a conceptual approach that discusses concepts of legal inequality within the theoretical framework of international legal constructivism, liberal peace theory, and transitional justice theory; and a statute approach that analyzes international legal instruments encompassing the Geneva Conventions, the UN Charter, and mandates of UN operations.

The majority of the data used is secondary data sourced from primary legal materials comprising laws, regulations, court decisions, and agreements, in addition to secondary legal materials, including books, academic journals, scholarly articles, and

policy documents relevant to the research focus. Data was collected from various literature sources through academic databases, namely Google Scholar, JSTOR, IEEE Xplore, PubMed, and ScienceDirect, in addition to the International Committee of the Red Cross (ICRC) website and other prominent journals, by employing relevant search keywords such as "legal inequality," "UN peacekeeping operations," "International Humanitarian Law," "Indonesian Peacekeepers," and "Civilian Protection." The collected data was then filtered based on inclusion criteria such as relevance, source quality, and timeliness of information. This study aims to develop a thorough understanding of legal disparities in peacekeeping operations and strategic efforts to improve the enforcement of IHL so as to reduce such inequalities.

This study hypothesizes that the expansion of robust mandates in UN peacekeeping operations has blurred the legal status of Indonesian peacekeepers, thereby creating structural accountability gaps and weakening the effective protection regime under IHL. It is further hypothesized that the internalization of IHL norms within Indonesia's national legal framework and pre-deployment training remains insufficiently integrated with operational realities in robust missions, contributing to persistent legal imbalances in both protection and responsibility mechanisms

II. DISCUSSION

This study understands "legal imbalances" as gaps or inconsistencies in how responsibility and protection are distributed in UN peacekeeping operations, especially between the United Nations, troop-contributing countries, and host states. These gaps mainly arise from overlapping legal authority, the immunity of the UN as an institution, and the increasingly complex nature of robust peacekeeping mandates. These imbalances are further examined through selected case studies, particularly in the DRC and Lebanon.

1. Legal Status of Indonesian Peacekeepers in Peace Operations

1.1 General Legal Status of Peacekeepers in International Law

In general, UN peacekeeping personnel occupy a "liminal" (in-between) position in international law. Peacekeeping forces are not expressly provided for under the UN Charter, but are protected and regulated through a combination of the 1949 Geneva

Conventions, the 1994 Convention on the Safety of UN and Associated Personnel, the Rome Statute of the International Criminal Court (ICC), and the SOFA concluded between the UN and the host State.⁹ Within the framework of IHL, peacekeepers are essentially considered non-combatants, and are therefore protected persons who may not be targeted during hostilities as long as they refrain from direct involvement in hostilities.

The 1999 Guidelines regarding the observance of IHL by UN forces emphasize that when UN forces are involved in hostilities, they are legally required to observe the provisions of IHL, both in terms of protecting civilians and the means and methods used in the conduct of hostilities.¹⁰ Consequently, the legal status of peacekeepers, which from the outset has contained tensions between civil-humanitarian functions and potential military involvement in conflict, shows that the mission's mandate is enhanced to incorporate peace enforcement measures, the line between non-combatant and combatant roles becomes increasingly blurred, thereby increasing the risk to UN personnel and complicating their protection regime. In this case, the concept of 'liminal status' attached to peacekeepers is not merely a theoretical label, but describes a vulnerable position that is influenced by the design of the mandate, command structure, and the way sending countries interpret their IHL obligations. For Indonesia itself, understanding this tension is important as a basis for formulating ROE and training schemes that can anticipate shifts in status from protected civilians to functional combatants in certain situations. For Indonesia itself, understanding these tensions is important as a basis for formulating ROE and training schemes that can anticipate shifts in status from protected civilians to functional combatants in certain situations.

1.2 Direct Participation in Hostilities (DPH) by UN Peacekeepers

According to IHL, direct participation in hostilities (DPH) marks the point at which civilians lose protection from attack "during and to the extent that" they engage in direct hostilities, such as attacks, military targeting, or operational support that is causally

⁹ Cryer, Robert, and Perova, Natalia, "Peacekeepers: Internationalist protectors or national perpetrators, protected either way?" *Journal of Conflict and Security Law*, vol. 25, no. 3, 2020, pp. 501–536, <https://doi.org/10.1093/jcsl/kraa020>.

¹⁰ Mayaut, Felix, et al. "Perlindungan Hukum internasional Bagi Pasukan Penjaga Perdamaian Perserikatan Bangsa-Bangsa." *TATOHI: Jurnal Ilmu Hukum*, vol. 2, no. 10, 2022, pp. 1004–1017, <https://doi.org/10.47268/tatohi.v2i10.1440>.

linked to military damage. The ICRC criteria (damage threshold, direct causal link, and belligerent nexus) for determining when a person transitions from protected civilian status to a legitimate target, and how the "revolving door" of protection must be narrowed temporally to be operational in the field.¹¹ In the context of UN operations, peacekeepers are in principle treated as non-combatants, but when they carry out actions that meet the DPH criteria, such as offensive raids against armed groups in stabilization missions, they functionally approach combatants and can therefore be attacked during that period of direct participation.

The development of robust mandates and stabilization has meant that peacekeepers are no longer limited to monitoring ceasefires, but also conduct intensive armed patrols, law enforcement actions, and even limited offensive operations against armed groups, as seen in MINUSMA in Mali and other major missions in Africa.¹² Research conducted by W. G. Nomikos shows that the presence of strong UN forces significantly reduces the escalation and persistence of internal armed conflicts, but at the same time places peacekeepers closer to the front lines of violence and increases their exposure to targeted attacks and criminal violence that exploits the "peacekeeping economy."¹³ Within the framework of IHL, when UN military units carry out operations directly aimed at neutralizing the combat capacity of armed parties, such actions potentially meet the criteria of IHL, triggering a change in the protection regime whereby they remain obliged to comply as required by the principles of distinction, proportionality, and precaution, but also become legitimate military targets during the operation.

Strengthening the role of peacekeepers as enforcers of local security in suppressing communal violence, organized crime, and ceasefire violations creates a "gray zone" between law enforcement and direct participation in riots.¹⁴ Recent literature on the

¹¹ Silvestri, Alessandro. "The 'revolving door' of direct participation in hostilities." *Journal of International Humanitarian Legal Studies*, vol. 11, no. 2, 2020, pp. 410–446, <https://doi.org/10.1163/18781527-bja10022>.

¹² Duursma, Allard, and Hannah Smidt. "Peacekeepers without helmets: How violence shapes local peacebuilding by civilian peacekeepers." *Comparative Political Studies*, vol. 57, no. 5, 2023, pp. 778–817, <https://doi.org/10.1177/00104140231178740>.

¹³ Nomikos, William G. "Peacekeeping and the enforcement of intergroup cooperation: Evidence from Mali." *The Journal of Politics*, vol. 84, no. 1, 2022, pp. 194–208, <https://doi.org/10.1086/715246>.

¹⁴ Smidt, Hannah M. "United Nations peacekeeping locally: Enabling conflict resolution, reducing communal violence." *Journal of Conflict Resolution*, vol. 64, no. 2–3, 2019, pp. 344–372, <https://doi.org/10.1177/0022002719859631>.

expansion of the DPH concept to non-traditional domains (e.g., cyber operations by civilian actors) emphasizes that the DPH threshold must be applied cautiously, taking into account the causal chain, the physical/non-physical nature of the action, and the duration of involvement, so as not to excessively expand civilian targetability.¹⁵ In relation to UN peacekeeping, this also points to the need for clear ROE that distinguish between the use of typical law enforcement force (law-enforcement paradigm) and actions that rise to the threshold of IHL in armed conflict, while providing operational guidance to commanders in the field on when peacekeeping units risk losing their civilian protection and how to minimize adverse legal and protection consequences for both peacekeepers and civilians.¹⁶

In the context of MONUSCO in the DRC, the increasingly militarized and offensive mandate means that UN forces frequently engage in direct combat with armed groups. As a result, ROE must carefully balance civilian protection, combat effectiveness, and the maintenance of perceived neutrality.¹⁷ A contextualized ROE in the DRC, particularly within MONUSCO operations, refers to operational guidelines tailored to local conflict dynamics, threat environments, and civilian protection needs.¹⁸ In this context, a contextual ROE can be understood through three key operational elements.

First, it establishes clear thresholds for the use of graduated force, particularly in distinguishing between law enforcement actions and situations that meet the criteria of DPH. This is essential to prevent unnecessary escalation of violence while ensuring compliance with IHL.¹⁹ Second, contextual ROE introduce geographically specific restrictions, such as no-fire or restricted-fire zones around Internally Displaced Persons

¹⁵ Byczyński, Michał. “The legal status of ‘civilian hackers’ under international humanitarian law.” *Acta Universitatis Lodzianae. Folia Iuridica*, vol. 106, 2024, pp. 97–109, <https://doi.org/10.18778/0208-6069.106.06>.

¹⁶ Golub, K. “Legal framework of regional organizations’ participation in peacekeeping.” *International Trends / Mezhdunarodnye Protsessy*, vol. 20, no. 1, 2022, pp. 109–121, <https://doi.org/10.17994/it.2022.20.1.68.2>.

¹⁷ Dorn, A. Walter. “Peacekeepers in combat: Protecting civilians in the D.R. Congo.” *Journal of International Peacekeeping*, vol. 26, no. 1, 2023, pp. 31–54, <https://doi.org/10.1163/18754112-26010003>.

¹⁸ Mutiga, Murithi. *Democratic Republic of Congo | International Crisis Group*, 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo. Accessed 31 Mar. 2026.

¹⁹ ICRC. “Interpretive guidance on the notion of direct participation in hostilities under International Humanitarian Law.” *International Review of the Red Cross*, vol. 90, no. 872, Dec. 2008, pp. 991–1047, <https://doi.org/10.1017/s1816383109000319>. See also International Committee of the Red Cross, “Advancing Peacekeeping and the Humanitarian Imperative in a Fragmented World,” 2025.

(IDP) camps, medical facilities, and densely populated civilian areas that are highly vulnerable to collateral damage. These measures strengthen the practical implementation of the Protection of Civilians (PoC) mandate.²⁰ Finally, contextual ROE emphasize intelligence-driven decision-making, where authorization to use force is closely linked to verified threat assessments and real-time operational data. This approach reduces arbitrary or excessive use of force and enhances accountability.

Compared to standard UN ROE, which tend to prioritize uniformity across missions, contextual ROE in the DRC are more adaptive, precise, and operationally grounded. They explicitly integrate DPH thresholds and PoC obligations into field-level decision-making, thereby reducing ambiguity regarding when peacekeepers may lose civilian protection status and become legitimate targets under IHL.²¹ However, detailed operational ROE documents are generally classified and not publicly accessible. Therefore, mission-specific rules applied by individual contingents cannot be fully examined.

These operational requirements have direct implications for pre-deployment training, particularly in preparing peacekeepers to apply context-specific ROE in complex field environments. The integration of DPH, civilian protection, and standards of conduct into the pre-deployment training curriculum for TNI and Polri contingents is essential. This aligns with the broader trend in UN peacekeeping of strengthening PoC capacity and soft skills such as communication, negotiation, and cultural awareness to enhance operational readiness in complex missions.²² The implications of DPH emphasize the importance of formulating clear ROE for TNI and Polri contingents in UN peacekeeping missions, including through the integration of DPH issues into Indonesia's pre-assignment training curriculum.

²⁰ Gregory, Julie. "Protection of Civilians at 25 Years • Stimson Center." *Stimson Center*, 2025, www.stimson.org/project/peace-ops-reform/protection-of-civilians-at-25-years/. Accessed 31 Mar. 2026.

²¹ United Nations. "Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)." United Nations Security Council, 2023, <https://undocs.org/S/2023/691>. Accessed 1 Apr. 2026.

²² Dorn, A. Walter, and Peter F. Dawson. "Simulating peace operations: New digital possibilities for training and public education." *Simulation & Gaming*, vol. 52, no. 2, 2020, pp. 226–242, <https://doi.org/10.1177/1046878120968605>.

1.3 Special Status: When the Mandate is "Robust"

The development of "robust" and even "super-robust" mandates means that peacekeepers are no longer merely passive observers, but may conduct offensive operations against armed groups, as seen in missions in the Democratic Republic of the Congo (MONUSCO), Mali, the Central African Republic, and South Sudan.²³ In missions with offensive mandates such as these, peacekeepers tend to be treated as parties involved in armed conflict (referred to as functional combatants), meaning they are fully subject to the norms of IHL regarding combatant status and lawful targets, rather than simply protected civilians. Debates over the performance and accountability of peacekeepers have become increasingly prominent, particularly in peacekeeping missions authorized to carry out PoC mandates, as failures to protect and violations by peacekeepers themselves highlight the gap between normative promises and practices in the field.²⁴

1.4 Legal Imbalances in Practice

a. Indonesian Peacekeepers in MONUSCO (DRC): Procedural Ambiguity in ROE and DPH

Indonesian peacekeepers deployed under the UN Organization Stabilization MONUSCO operate in active conflict environments, where they are required to conduct patrols and provide protection to civilians. In carrying out these functions, they are authorized to use force under mission-specific ROE, which regulate when and how such force may be employed. These rules are established by the UN in accordance with the mission mandate and operational conditions, and their implementation is overseen by contingent commanders within the UN chain of command. In practice, however, the application of ROE presents significant challenges. Indonesian peacekeepers are often placed in situations where the use of force is necessary, particularly in the context of

²³ Longobardo, Marco. "«super-robust» peacekeeping mandates in non-international armed conflicts under International Law." *Spanish Yearbook of International Law*, vol. 24, 2020, pp. 42–72, <https://doi.org/10.17103/sybil.24.3>.

²⁴ Donais, Timothy, and Eric Tanguay. "Protection of civilians and peacekeeping's accountability deficit." *International Peacekeeping*, vol. 28, no. 4, 2021, pp. 553–578, <https://doi.org/10.1080/13533312.2021.1880900>.

civilian protection and self-defense under robust mandates. At the same time, their actions must remain within the limits of IHL, especially the principle that they should not DPH.²⁵

Under IHL, peacekeepers are generally regarded as civilians because they are not members of the parties to the conflict. As such, Indonesian peacekeepers are entitled to protection from attack, provided that they do not directly participate in hostilities.²⁶ However, the premise that peacekeepers are only considered combatants during the “duration of their engagement” creates uncertainty regarding the threshold at which such protection is lost. This ambiguity becomes particularly evident in operational contexts such as the DRC, where peacekeepers may engage in the use of force under certain conditions while still being expected to maintain neutrality. The challenge lies in balancing the implementation of robust mandates with the risk that such actions may be interpreted as DPH.²⁷ As a result, the distinction between civilian protection and combatant status becomes increasingly blurred. This creates uncertainty as to whether Indonesian peacekeepers remain protected under IHL or may be considered legitimate targets.

This indicates that although ROE and DPH frameworks exist, their application in the field remains ambiguous, creating uncertainty in both protection and operational conduct. While the MONUSCO case highlights procedural ambiguity in the application of ROE and DPH, a different dimension of legal imbalance can be observed in the UNIFIL mission in Lebanon, particularly concerning the issue of accountability.

b. Indonesian Peacekeepers in UNIFIL (Lebanon): Accountability Gaps and Legal Imbalances

Indonesia has been one of the largest troop-contributing countries to UNIFIL, with the Garuda Contingent actively involved in patrol, observation, and civilian protection

²⁵ Williams, Paul D. “How peacekeepers fight: Assessing combat effectiveness in United Nations Peace Operations.” *Security Studies*, vol. 32, no. 1, 2023, pp. 32–65, <https://doi.org/10.1080/09636412.2023.2178965>.

²⁶ ICRC. “Rule 33. Personnel and Objects Involved in a Peacekeeping Mission, .” *IHL*, International Committee of the Red Cross, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule33> . Accessed 3 Apr. 2026.

²⁷ Bourgeois, Hanna, and Patryk I Labuda. “When May UN peacekeepers use lethal force to protect civilians? reconciling threats to civilians, imminence, and the right to life.” *Journal of Conflict and Security Law*, vol. 28, no. 1, 2022, pp. 1–65, <https://doi.org/10.1093/jcsl/krac027>.

tasks in southern Lebanon. In 2024, an incident involving Indonesian peacekeepers under the UNIFIL occurred in the Israel–Hezbollah conflict in southern Lebanon.²⁸ In this incident, two members of the Indonesian Garuda Contingent, Private Eggy Arifiyanto and Private Nofrian Syah Putra, were injured as a result of a Merkava tank firing toward an observation tower at the UNIFIL Headquarters in Naqoura.²⁹ UNIFIL had previously reported repeated attacks targeting its positions and facilities, including fire directed at forward posts and violations of the Blue Line, a demarcation line established by the United Nations in 2000 as a temporary boundary between Lebanon and Israel. The Lebanese government has also reported thousands of ceasefire violations, resulting in casualties and injuries among civilians.³⁰

Under the Rome Statute of the ICC, intentionally directing attacks against personnel involved in peacekeeping missions constitutes a war crime, insofar as that they are entitled to civilian protection. In such situations, responsibility becomes fragmented among multiple actors, including the United Nations, the troop-contributing country, and the host state. While the attacking party, in this case Israeli forces, may bear primary responsibility under international law, the existence of institutional immunity and overlapping jurisdictions often prevents effective accountability. However, in practice, there is no clear mechanism to enforce responsibility against the attacking party, nor a clear allocation of accountability between the United Nations and the troop-contributing country.

The issue of attribution of responsibility has been addressed in cases such as *Netherlands v. Nuhanović* (2019), where the Dutch Supreme Court applied the “effective control” test to determine whether responsibility could be attributed to the United Nations or to the troop-contributing state. The findings demonstrated that, under certain conditions, states may still bear responsibility for the actions of their peacekeeping

²⁸ Kurmala, Azis. “Indonesian UNIFIL Troops Endure Challenge in Israel-Hezbollah Conflict.” *Antara News*, ANTARA, 2024, <https://en.antaranews.com/news/335897/indonesian-unifil-troops-endure-challenge-in-israel-hezbollah-conflict>. Accessed 03 Apr. 2026.

²⁹ Romana, Francisca. and Mada, Kris. “Israeli Tanks Shoot UNIFIL Peacekeeping Positions, Two Indonesian Soldiers Injured.” *Kompas.id*, 2024, <https://www.kompas.id/artikel/en-tank-israel-tembak-posisi-pasukan-penjaga-perdamaian-unifil-dua-tentara-indonesia-terluka>. accessed on April 03 2026.

³⁰ Planasari, Sita. “UN Condemns Israel after Attack on Peacekeeping Post in Lebanon.” *Tempo English*, TEMPO.CO, 2025, <en.tempo.co/read/2007365/un-condemns-israel-after-attack-on-peacekeeping-post-in-lebanon>. Accessed on April 03 2026.

contingents when effective control is established.³¹ However, the application of this test remains highly context-dependent and does not provide a clear or consistent standard in all situations. As a result, similar incidents involving UN peacekeepers, including those in UNIFIL, continue to face uncertainty regarding the allocation of legal responsibility. This persistent accountability gap can also be understood from a theoretical perspective. From a liberal peacebuilding standpoint, the gap reflects a structural limitation, where the institutional design of UN peacekeeping prioritizes state sovereignty and operational flexibility over clear accountability mechanisms. At the same time, from a constructivist perspective, the ambiguity of norms regarding responsibility in peacekeeping operations contributes to inconsistent interpretations and weak enforcement in practice.

This condition clearly reflects a structural legal imbalance in UN peacekeeping operations, where multiple actors hold overlapping responsibilities without effective enforcement. This case demonstrates that despite clear legal norms prohibiting attacks against peacekeepers, the absence of effective enforcement mechanisms results in an accountability gap, highlighting the persistence of legal imbalances in UN peacekeeping operations. For Indonesia, this situation highlights the vulnerability of its peacekeepers and underscores the need for stronger coordination and clearer accountability mechanisms at both the UN and national levels.

1.5 Status of Indonesian Peacekeepers in UN Peacekeeping Operations

Although peacekeepers do not "represent their country," legally they represent the UN and can still be held accountable by their sending country. Formally, the Garuda contingent and others are UN personnel. When carrying out their mission mandate, they act as a "body" of the UN in the field since the UN is recognized as a bearer of rights and obligations under international law with its own legal personality and can file claims for compensation for losses suffered by its personnel. There is a rather complicated division of responsibility among Indonesian soldiers. On the one hand, the UN as an organization has immunity, making it difficult to be sued in international courts, especially for actions that are under the effective control of the UN. However, if a state's is proven to have

³¹ Zgonec-Rožej, Miša. "Netherlands v. Nuhanović Netherlands v. Mustafić-Mujić." *American Journal of International Law* 108.3 (2014) Published online by Cambridge University Press: 20 January 2017: 509–515.

effective authority over its deployed contingent (regulating, commanding, or allowing violations), the conduct of peacekeepers may be attributable to the troop-contributing state so that the state cannot 'hide' behind the immunity of the UN.³²

In UN practice, efforts to close accountability gaps for local actors and security partners have led to the creation of the Human Rights Due Diligence Policy (HRDDP), which combines various forms of accountability to maintain the legitimacy of peace operations. Recent developments also confirm that when effective control over the contingent is exercised by the state, the accountability chain does not stop at UN immunity, but extends to the responsibility of the troop-contributing state. Judicial decisions and practices in recent years have confirmed that the doctrine of effective control serves as a bridge linking state responsibility to the actions of peacekeepers in the field, even when they are formally acting under the UN flag.³³ This reinforces the obligation of sending countries, including Indonesia, to ensure that the national legal framework, ranging from military criminal law and disciplinary procedures to independent investigation mechanisms, is truly capable of prosecuting serious violations such as war crimes and sexual violence committed by mission personnel.

Policies such as the HRDDP at the UN level will only be effective if they are responded to with improved due diligence standards at the national level, including transparency in coordination between Indonesian authorities and the UN Secretariat in cases of alleged violations. Without strengthening at the domestic level, accountability gaps risk multiplying because peacekeepers' actions are at the intersection of organizational immunity and the sluggishness of the sending country. Physical protection is stipulated in the 1949 Geneva Convention and the Convention on the Safety of UN and Associated Personnel (1994), which prohibit attacks on UN personnel, facilities, and equipment. In terms of criminal jurisdiction, the SOFA usually gives primary jurisdiction to the sending state to hold peacekeeping personnel criminally accountable, including war

³² Morris, Tamer. "State responsibility and accountability in UN Peacekeeping: The case of *the mothers of Srebrenica V. the Netherlands*." *International Peacekeeping*, vol. 29, no. 2, 16 Nov. 2021, pp. 204–234, <https://doi.org/10.1080/13533312.2021.1989304>.

³³ White, Nigel. "In search of due diligence obligations in UN Peacekeeping Operations." *Journal of International Peacekeeping*, vol. 23, no. 3–4, 2020, pp. 203–225, <https://doi.org/10.1163/18754112-02303005>.

crimes or sexual violence.³⁴ For serious international crimes, the Rome Statute of the ICC may also apply where the troop-contributing state or the host state has ratified the Statute and the state is unwilling or unable to prosecute.

Recent literature confirms that the "liminal" legal position of peacekeepers creates an accountability gap both when they are victims of attacks and when they are perpetrators of violations, especially in missions with robust civilian protection mandates. Cryer & Perova show that the combined regime of the UN Charter, the Geneva Conventions, the 1994 Convention, the Rome Statute and SOFA can protect peacekeepers while making it difficult to attribute responsibility to the sending state when serious crimes occur. Donais & Tanguay add in their research that the PoC mandate widens the gap between normative commitments and practices in the field because accountability mechanisms are not yet commensurate with the complexity of the tasks and the risk of human rights violations.

1.6 The Impact of Attacks on Indonesian Peacekeepers in Conflict Areas

Attacks on Indonesian peacekeepers in conflict areas have multiple impacts, both at the individual soldier level, the TNI institution, the UN mission in the field, and Indonesia's position as a troop-contributing country. Individually, peacekeepers face high physical and psychological burdens due to exposure to threats of violence, armed attacks, and uncertain security situations. A scoping review of peacekeepers' health shows that mental health issues such as stress, anxiety, and exposure to violence are the main risks during deployment.³⁵ When an attack occurs against a contingent, these risks increase: threats to life, psychological burdens from seeing colleagues injured or killed, and prolonged stress that can have an impact even after they return to Indonesia.³⁶ Consequently, attacks on contingents not only increase the psychological burden on individuals, but also reduce the operational presence of peacekeepers in the field, which

³⁴ Tasker, Heather, et al. "Peacekeeper-perpetrated sexual exploitation and abuse in the Democratic Republic of the Congo: Legal pluralism and legal recession." *Law & Social Inquiry*, vol. 50, no. 3, 2025, pp. 643–666, <https://doi.org/10.1017/lsi.2025.7>.

³⁵ Yuan, Quan, et al. "UN peacekeeper health and risk factors --- a systematic scoping review." *Global Health Research and Policy*, vol. 9, no. 1, 2024, <https://doi.org/10.1186/s41256-024-00351-4>.

³⁶ Harwood-Gross, Anna, et al. "How do you see me? the impact of perceived societal recognition on PTSD symptoms amongst Norwegian peacekeepers." *European Journal of Psychotraumatology*, vol. 15, no. 1, 2024, <https://doi.org/10.1080/20008066.2024.2314442>.

in turn disrupts the mission's ability to create a sense of security and restore local economic activity.

Studies in the context of civil war show that an adequate and active peacekeeper presence can increase the sense of security, which correlates with the recovery of market transactions and household consumption; conversely, attacks on peacekeepers tend to encourage patrol restrictions, reduce public trust, and hamper economic recovery.³⁷ At the mission level, attacks on peacekeepers can undermine the UN mission's ability to create a sense of security, reduce violence, and support local economic recovery. Qualitative studies on peacekeeping in South Sudan show that the presence of sufficient and active military peacekeepers increases observed and perceived security, which in turn encourages economic activity, market transactions, and household consumption, while reducing daily stress for the community.³⁸

If peacekeepers become the target of attacks, missions will usually tighten security procedures, limit patrols, or reduce interaction between soldiers and civilians. This can reduce the community's sense of security, hamper economic recovery, and reduce public trust in the ability of the UN and sending countries such as Indonesia to protect civilians. For Indonesia, every incident of attack against Garuda troops affects foreign policy, diplomacy, and the image of the TNI. Indonesia's involvement in UNIFIL in Lebanon, for example, is proof of its commitment to the constitutional mandate to participate in world peace, as well as a means of strengthening Indonesia's cooperation and diplomatic role in conflict resolution, such as the Israel-Hezbollah dispute.³⁹ Attacks on Indonesian contingents may force the government to reevaluate acceptable risk levels, increase the need for pre-assignment training, health and mental protection, and closer coordination between the UN, host countries, and Indonesia to ensure the safety of troops and the effectiveness of the mission.

³⁷ Di Salvatore, Jessica. "Peacekeepers against criminal violence—unintended effects of peacekeeping operations?" *American Journal of Political Science*, vol. 63, no. 4, 2019, pp. 840–858, <https://doi.org/10.1111/ajps.12451>.

³⁸ Bove, Vincenzo, et al. "Un peacekeeping and households' well-being in civil wars." *American Journal of Political Science*, vol. 66, no. 2, July 2021, pp. 402–417, <https://doi.org/10.1111/ajps.12644>.

³⁹ Nabila, Kania Salsa. "Peran diplomasi Indonesia Dalam Penyelesaian konflik israel-hizbullah di Lebanon." *Jurnal Res Justitia: Jurnal Ilmu Hukum*, vol. 5, no. 1, 2025, pp. 261–271, <https://doi.org/10.46306/rj.v5i1.222>.

1.7 The Impact When Peacekeepers Carry Out Attacks in Conflict Areas

The use of force by peacekeeping forces can reduce direct violence by former combatants against civilians, but it is not always effective against violence committed by other armed actors such as local militias or armed criminals. Poorly managed attacks by peacekeepers risk triggering a shift in patterns of violence, such that violence does not disappear but changes actors or forms (e.g., organized crime or local political violence).⁴⁰ Research on post-war violence finds that the presence of peacekeepers with offensive mandates sometimes only shifts patterns of violence rather than eliminating them: violence can shift from former combatants to local armed actors or organized criminal groups. In situations where the use of force is considered excessive or misdirected, armed groups may retaliate by attacking civilians associated with the UN or mission bases, triggering a new spiral of insecurity and undermining the legitimacy of the mission as perceived by the local population and the host country.⁴¹

In some cases, when peacekeepers use force, armed groups may respond with retaliatory tactics, including attacking civilians perceived to be close to the UN or attacking UN bases themselves, creating a new spiral of insecurity. Therefore, UN mandates now often emphasize the PoC as well as the use of force by peacekeeping forces is justified primarily for this purpose. However, if peacekeeper attacks are perceived as excessive, misdirected, or non-transparent, local public trust can plummet. The public may see the UN (and contingents from certain countries) no longer as "peacekeepers," but as ordinary armed forces, thereby undermining the legitimacy of the mission and local cooperation. When citizens perceive the mission as illegitimate or overly brutal, the host government may demand a reduction or withdrawal of the mission.⁴²

Each time peacekeepers conduct an attack, the risk of retaliation and increased threats to their camps, patrols, and convoys increases rapidly. This adds to exposure to

⁴⁰ Bara, Corinne. "Shifting targets: The effect of peacekeeping on postwar violence." *European Journal of International Relations*, vol. 26, no. 4, 2020, pp. 979–1003, <https://doi.org/10.1177/1354066120902503>.

⁴¹ Ohnishi, Ken. "Compellence by denial against armed groups: Un peacekeeping in Ituri, the Democratic Republic of the Congo." *European Journal of International Security*, vol. 9, no. 4, Nov. 2024, pp. 631–649, <https://doi.org/10.1017/eis.2024.26>.

⁴² Bardalai, AK. "Necessity of use of force: UN Mandate and protection of civilians." *Journal of International Peacekeeping*, vol. 28, no. 1, 2 July 2025, pp. 28–47, <https://doi.org/10.1163/18754112-28010002>.

violent incidents known to correlate with stress, anxiety, and PTSD in peacekeepers. Exposure to intense conflict and the use of force can be sources of additional psychological burden that impact mental health during and after deployment. Effective peacekeepers who reduce violence and increase security usually have a positive impact on household economic recovery and local market activity. However, if operations often take the form of attacks and armed conflict, communities may feel unsafe to work, trade, or travel, thereby reducing the economic benefits of the peacekeepers' presence or even turning them into negative effects.

1.8 Legal Status of Indonesian Peacekeepers in Conflict Areas

Indonesian peacekeepers in armed conflicts generally have protected civilian status, but they can lose that protection if they engage in direct combat. Under IHL, UN peacekeeping forces are classified as civilians because they are present not as combatants but to carry out UN missions. Therefore, threats or attacks against peacekeepers constitute a serious violation of IHL and are also regulated as crimes in the Rome Statute (war crimes against UN personnel). This protection is underpinned by Convention on the Protection of Civilian Persons in Time of War, as well as the 1994 Convention on the Safety of UN and Associated Personnel, which requires host countries to protect UN personnel, facilities, and equipment.⁴³

The status and protection of peacekeepers may change during:

1. They act as classic peacekeepers (impartial, non-offensive)
They are treated and protected as civilians, but may use weapons to defend civilians/protected facilities.⁴⁴
2. If they participate directly in hostilities (robust/offensive)
When peacekeepers are "actively engaged as combatants" in armed conflict situations, they are bound by the applicable ROE. And during periods when peacekeepers are directly involved in combat, the enemy may target them as legitimate military targets,

⁴³ Pedrason, Rodon, et al. "Refusal of UN peacekeeping missions for security missions in conflict countries as a violation of international law." *Russian Law Journal*, vol. 11, no. 2, 2023, <https://doi.org/10.52783/rj.v11i2.884>.

⁴⁴ Wills, Siobhán. "Use of deadly force by peacekeepers operating outside of armed conflict situations: What laws apply?" *Human Rights Quarterly*, vol. 40, no. 3, 2018, pp. 663–702, <https://doi.org/10.1353/hrq.2018.0036>.

similar to combatants, and their "civilian" protection may be temporarily lost for as long as that involvement lasts.⁴⁵ This dilemma is particularly evident in missions with offensive mandates such as the intervention brigades in MONUSCO or MINUSMA, where the line between "peacekeeping" and "peacemaking/peace enforcement" becomes blurred.

2. Rules for the Protection of Indonesian Peacekeepers in Armed Conflict Zones

2.1 Article 9 of the First Geneva Convention (1949)

Geneva Convention I 1949 Article 1 stipulates that the provisions of the convention do not preclude humanitarian activities carried out, among others, by peacekeeping forces to protect the wounded and sick, provided that they have been approved by the parties to the conflict. Peacekeepers who do not directly participate in hostilities are entitled to civilian status. However, attacks against them are prohibited and constitute a grave breach of IHL. The general principles of IHL (distinction, protection of war victims, proportionality restrictions governing the means and methods of warfare) also protect peacekeepers as part of a group that must not be targeted.⁴⁶ If peacekeepers participate directly in hostilities (e.g., missions with a very "robust" mandate), their legal status may be debatable, potentially subjecting them to treatment as combatants for the duration of their involvement, thereby reducing their civilian protection.⁴⁷

2.2 Additional Protocol I 1977

The rule emphasizing peacekeepers as "civilians" is contained in Article 48 in accordance with the principle of distinction, whereby attacks may be directed only against

⁴⁵ Wicaksono, Isa Agung, et al. "Studi Kasus Perang Saudara di Yugoslavia pada tahun 1991 - 1992 Ditinjau Dari Aspek Hukum humaniter Dan Ham serta Manfaatnya Bagi TNI angkatan laut." *SCIENTIFIC JOURNAL OF REFLECTION: Economic, Accounting, Management and Business*, vol. 8, no. 2, 2025, pp. 444–451, <https://doi.org/10.37481/sjr.v8i2.1079>.

⁴⁶ Kaiser, Thierry, and Carlijn Ruers. "The application of International Humanitarian Law to peacekeepers." *Journal of International Peacekeeping*, vol. 24, no. 1–2, 2021, pp. 190–222, <https://doi.org/10.1163/18754112-20210004>.

⁴⁷ Martyniuk, O., et al. "Regarding the legal protection of civilians during armed conflict in the context of the implementation of international humanitarian law." *Uzhhorod National University Herald. Series: Law*, vol. 4, no. 88, 2025, pp. 102–108, <https://doi.org/10.24144/2307-3322.2025.88.4.15>.

military objectives. Article 51 explains attacks against civilians and acts of terror against civilians. Article 57 requires caution in attacks to minimize civilian casualties.⁴⁸

2.3 1944 UN Personnel Safety Convention

Articles 1 and 2 of this Convention clearly define the terms "UN personnel" and "associated personnel." This category includes military, police, and civilian personnel assigned or deployed under the authority and control of the UN in an operation, including those working under agreement with the UN (e.g., contractors or humanitarian personnel associated with the mission). This definition is important because it determines who is entitled to special protection and forms the basis for the application of state obligations to prevent and respond to attacks against them.

Article 4 requires the UN and the host country to immediately draft and ratify either SOFA or a Status of Mission Agreement (SOMA) when a mission is established. Through the SOFA, various privileges and immunities are regulated, including the legal status of military and police components, criminal and civil jurisdiction, and physical protection that must be provided by the host country. Thus, Article 4 serves as a bridge between general convention rules and technical regulations in the field that are tailored to the context of each mission. Furthermore, Articles 7 to 10 (as summarized in various literature) impose clear criminal obligations on States Parties. States are required to establish in national law that attacks against UN personnel and related personnel are serious criminal offenses, establish and enforce jurisdiction to prosecute perpetrators, apply the principle of "prosecute or extradite," and cooperate in investigations, prosecutions, and extraditions. This provision is intended to ensure that there is no "safe haven" for perpetrators of crimes against UN personnel: wherever the perpetrator may be, a state party must be able to prosecute or surrender them to another competent State.

2.4 UN Charter Chapter VII

UN peacekeepers operate based on three principles: consent of the parties, impartiality, and the non-use of force except in self-defense and defense of the mandate. This is stipulated in Chapter VII, Article 42 of the UN Charter confers upon the the

⁴⁸ Riyanto, Sigit. "Keamanan internasional KOLEKTIF Dan Peran organisasi regional." *TANJUNGPURA LAW JOURNAL*, vol. 5, no. 1, 2021, pp. 67–91, <https://doi.org/10.26418/tlj.v5i1.46225>.

Security Council holds the mandate to permit the use of force for the maintenance or restoration of international peace and security.⁴⁹

2.5 Constitutional and Legal Basis in Indonesia

The constitutional basis and Indonesian law place the TNI as the main actor in national defense and at the same time provide a legal basis for Indonesia's involvement in peacekeeping operations. Article 30(2) as provided under the 1945 constitution stipulates that the defense and security of the state are organized through a universal defense and security system, with the TNI and the Indonesian National Police as the primary components.⁵⁰ This provision is clarified in Law No. 3 of 2002 on National Defense, which establishes the TNI as the main component of defense; one of its tasks is to protect the sovereignty and safety of the nation, including through participation in peacekeeping missions at both national and international levels.⁵¹ Analysis of national defense shows that this regulation forms the legal basis for the TNI's involvement in peacekeeping operations under a UN mandate. In line with this legal basis, Indonesia then developed a specific peacekeeping policy through the "Road Map for the Vision of 4,000 Peacekeepers 2015-2019" as stipulated in Minister of Foreign Affairs Regulation No. 1 of 2017 provides the legal framework for increasing the number and strengthening the role of Indonesian peacekeepers, including strengthening the participation of women in these missions.⁵²

In essence, from the perspective of the IHL, peacekeepers are essentially treated as protected civilians, so that attacks against them are classified as serious violations and,

⁴⁹ Bunga, Gerald Aldytia, and Elisabeth Nirmalasari Tukan, "Legal impact of state defense on Indonesian citizen in international humanitarian law perspective." *Yustisia Jurnal Hukum*, vol. 8, no. 2, 2019, pp. 164–185, <https://doi.org/10.20961/yustisia.v8i2.21604>.

⁵⁰ Syafei, Imam, and Marwan. "Authority of the Indonesian National Army in prevention and Eradication." *Journal of Law, Politic and Humanities*, vol. 5, no. 3, 2025, pp. 1520–1529, <https://doi.org/10.38035/jlph.v5i3.1182>.

⁵¹ ICRC. "International humanitarian law and the challenges of contemporary armed conflicts: Recommitting to protection in armed conflict on the 70th anniversary of the Geneva Conventions." *International Review of the Red Cross*, vol. 101, no. 911, 2019, pp. 869–949, <https://doi.org/10.1017/s1816383119000523>.

⁵² Deriglazova, Larisa V., and Olga Yu. Smolenchuk. "Prosecution for violations of International Humanitarian Law: Russia's position." *Russia in Global Affairs*, vol. 19, no. 4, 2021, pp. 198–225, <https://doi.org/10.31278/1810-6374-2021-19-4-198-225>.

under the Rome Statute, are categorized as war crimes against UN personnel.⁵³ The 1994 Convention then requires state parties to criminalize attacks against UN personnel in national law and apply the principle of prosecute or extradite, so that normatively there should be no "safe haven" for perpetrators of crimes against peacekeepers. In the Indonesian context, this regulation is related to the constitutional basis of Article 30 of the 1945 Constitution and the Defense Law, which form the formal basis for the TNI's participation in UN peacekeeping operations.⁵⁴

3. Deployment and Protection of Indonesian Peacekeepers in Conflict Areas

3.1 Implementation of the Deployment of Indonesian Peacekeeping Forces in Conflict Areas

Indonesia's role in UN missions is formally regulated under the Vision 4,000 Peacekeepers Roadmap for 2015–2019, which targets approximately 4,000 Garuda Contingent personnel as an expression of Indonesia's identity as a "peacemaker state" in accordance with the mandate of the 1945 Constitution and the country's free and active foreign policy. This roadmap is supported by under Presidential Regulation No. 86 of 2015 on Peacekeeping Missions, the deployment of the TNI and Polri personnel to UN operations is formally regulated.⁵⁵ The Indonesia Peace and Security Center (IPSC) in Sentul serves as an integrated training center for enhancing the capabilities of military and civilian components (doctors, legal experts, and technicians) preceding their deployment in UN missions. The readiness of these civilian capabilities forms the basis for the development of Indonesian civilian peacekeepers (health workers, educators,

⁵³ Murwanto, Ilham, et al. "Indonesia's commitment to the United Nations peacekeeping operations in Constructivist perspective: case study of roadmap vision 4,000 peacekeepers 2015-2019 policy." *Jurnal Pertahanan: Media Informasi Ttg Kajian & Strategi Pertahanan Yang Mengedepankan Identity, Nasionalism & Integrity*, vol. 6, no. 3, 2020, pp. 342–356, <https://doi.org/10.33172/jp.v6i3.869>.

⁵⁴ Sihite, Ganda Martunas, et al. "Enhancing Indonesia's participation in UN peacekeeping missions through Indonesian civilian peacekeepers." *International Journal Of Humanities Education and Social Sciences (IJHES)*, vol. 3, no. 5, 2024, <https://doi.org/10.55227/ijhess.v3i5.828>.

⁵⁵ Sumertha, Gede, et al. "Indonesian female peacekeepers participation in United Nations Interim Forces in Lebanon (UNIFIL) during 2015–2017." *ATHENS JOURNAL OF MEDITERRANEAN STUDIES*, vol. 7, no. 1, 2020, pp. 29–44, <https://doi.org/10.30958/ajms.7-1-2>.

economic development specialists) who are projected to support post-conflict recovery based on the concept of human security.⁵⁶

At UNIFIL Lebanon, the Indonesian contingent conducts border patrols, ceasefire observations, and confidence-building with local communities through free medical services, social assistance, and cultural diplomacy. The deployment of women from TNI and the Polri in UNIFIL and other UN missions has expanded since 2015–2017, although it is still hampered by recruitment and placement in frontline operational areas.⁵⁷ Indonesian female peacekeepers play a strategic role in building trust among local women and children, facilitating psychosocial recovery, and serving as role models for local women to demand their socio-political rights.

The Garuda contingent at UNEF II (1975-1977) also served as an early example of how Indonesia continued to maintain its peacekeeping assignments even while facing other military operations, in order to maintain its image as a country that supports global stability.⁵⁸ The Indonesian government recognizes the importance of gender mainstreaming through regulations and policies, but evaluations show that the domestic legal framework has not fully incorporated a feminist perspective and still places women in administrative/clerical roles, rather than combat or key decision-making roles.⁵⁹ The idea of Indonesian Civilian Peacekeepers places civilian specialists as peacekeepers to handle the non-military dimensions of conflict (education, health, economy), with a holistic approach to human security.

These institutional arrangements demonstrate that Indonesia has established a structured pre-deployment system through the IPSC. However, gaps remain in ensuring the consistent integration of IHL, ROE, and accountability standards into training

⁵⁶ Safi, Fathomi, and Yandry Kurniawan. "International role perspective of Indonesia's participation in the Second United Nations Emergency Force (UNEF II) 1975–1977." *Jurnal Pertahanan: Media Informasi Tentang Kajian Dan Strategi Pertahanan Yang Mengedepankan Identity, Nasionalism Dan Integrity*, vol. 10, no. 2, 2024, pp. 253–269, <https://doi.org/10.33172/jp.v10i2.19599>.

⁵⁷ Dewi, E, et al. "The unboxing the legal background for women involvement in Indonesia's peacekeeping operation mission: Challenges and opportunities." *Proceedings of the Proceedings of the First Brawijaya International Conference on Social and Political Sciences, BSPACE, 26-28 November, 2019, Malang, East Java, Indonesia*, 2020, <https://doi.org/10.4108/eai.26-11-2019.2295184>.

⁵⁸ Sriyanto, Sriyanto. "Kapabilitas Pasukan perdamaian Indonesia di republik demokratik Kongo." *Jurnal Diplomasi Pertahanan*, vol. 8, no. 1, 2022, <https://doi.org/10.33172/jdp.v8i1.889>.

⁵⁹ Kilroy, Walt, et al. "Civilian protection in theory and Practice." *Civil Wars*, vol. 26, no. 1, 2024, pp. 1–15, <https://doi.org/10.1080/13698249.2024.2332160>.

modules, reflecting broader challenges identified in UN peacekeeping operations.⁶⁰ This indicates that strengthening pre-deployment mechanisms is essential to addressing accountability gaps, particularly within the framework of Presidential Regulation No. 86 of 2015, which should prioritize the enhancement of training standards rather than the expansion of extraterritorial jurisdiction.

3.2 Protection of Indonesian Peacekeepers Deployed to Conflict Areas

3.2.1. Protection During the Process of Deployment to Conflict Areas

Protection during the deployment of peacekeepers to conflict areas is regulated by the UN Civilian Peacekeepers Readiness Standards (UNCPRS), which assess the readiness of human resources, logistics, leadership, facilities, and regulations to ensure the safety of troops facing multidimensional threats in the DRC and other missions.⁶¹ The Indonesian Civilian Peacekeepers (ICP) framework emphasizes training, capacity building, and human rights protection for civilian peacekeepers before deployment, as well as the UN's international PoC framework, which regulates dialogue, physical protection measures and a secure environment, including pre-deployment training and rules on the use of force.⁶²

3.2.2. Legal Protection while Serving in Conflict Areas

UN peacekeepers (including Indonesia) are protected by SOFA and MoU between the UN, the host country, and the sending country, which grant them certain status, rights, and immunities; the main immunity is to protect them from unilateral legal proceedings by the host country while acting within the scope of their official duties. Studies on FPU (Formed Police Units) emphasize that the effectiveness and protection of units are highly dependent on a clear mandate, human rights-based training, logistical readiness, and the ability to build trust with local communities. Indonesia's policy to increase and maintain

⁶⁰ United Nations. "Training - Peacekeeping Resource Hub - Peacekeeping Resource Hub at Department of Peace Operations (DPO)." *United Nations*, <https://peacekeepingresourcehub.un.org/en/training>. Accessed 31 Mar. 2026.

⁶¹ Yunissa, Ade Arya. "Kesepakatan Antarnegara Terkait pelanggaran Pelecehan Oleh pasukan Perdamaian Perserikatan Bangsa-Bangsa di Wilayah Konflik." *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM)*, vol. 3, no. 2, 2022, pp. 250–258, <https://doi.org/10.29103/jspm.v3i2.5718>.

⁶² Nopela, Mastina. et al. "Analysis of the implementation of goverment expenditure, cost benefit and political economy on the INDONEISA's peacekeeping." *International Journal Of Humanities Education and Social Sciences (IJHES)*, vol. 3, no. 5, 2024, pp. 2494–2507, <https://doi.org/10.55227/ijhess.v3i5.982>.

its contribution to UN peacekeeping forces is essentially shaped by a combination of foreign policy considerations, budget availability and management, as well as institutional capacity and human resources. therefore, the realization of quantitative targets such as the "Vision 4,000 Peacekeepers" Roadmap tends to be dynamic and constantly renegotiated in line with changing political priorities, fiscal constraints, and the operational capabilities of the TNI/Polri and civilian elements involved in peace missions.⁶³

These findings are in line with the conclusion that the legal framework governing peace operations is still fragmented and often reacts after incidents occur, rather than preventively. On the one hand, the UN has developed various policy instruments such as HRDDP and PoC training standards. On the other hand, their implementation at the mission and troop-contributing country levels is often hampered by resource constraints, military cultural differences, and political sensitivities.⁶⁴ In the case of Indonesia, endeavors to strengthen Indonesia's involvement in UN missions through the implementation of the Roadmap Vision 4,000 Peacekeepers and the development of Indonesian Civilian Peacekeepers demonstrate a high level of normative commitment, but questions remain as to the extent to which substantive legal protection and accountability are truly a priority in policy, rather than merely a complement to diplomacy and international image.

Thus, analysis of the development of robust mandates, due diligence standards, and patterns of accountability of the UN and sending countries shows that legal imbalances in peace operations are not only a matter of IHL doctrine, but also institutional design and accountability politics that have not been fully capable of preventing or punishing violations by or against peacekeepers, including Indonesian contingents.

⁶³ Fadillah, Yulia, et al. "The role of Indonesia's female peacekeepers in United Nations peacekeeping operations to promote gender equality." *Jurnal Pertahanan: Media Informasi Ttg Kajian & Strategi Pertahanan Yang Mengedepankan Identity, Nasionalism & Integrity*, vol. 6, no. 2, 2020, pp. 118–128, <https://doi.org/10.33172/jp.v6i2.756>.

⁶⁴ Gilder, Alexander. "Human security and the stabilization mandate of MINUSCA." *International Peacekeeping*, vol. 28, no. 2, 2020, pp. 200–231, <https://doi.org/10.1080/13533312.2020.1733423>.

III. CONCLUSION

The fragmented and reactive legal framework for UN peace operations fails to close the accountability gap for Indonesian peacekeepers. Therefore, preventive reforms must be tailored to address specific legal imbalances. First, the ambiguity in the legal status of peacekeepers requires the strengthening of ROE that integrate DPH and PoC. Second, persistent accountability gaps necessitate enhanced bilateral coordination between Indonesia and the UN to ensure transparent due diligence mechanisms. Third, inconsistencies in the implementation of IHL highlight the need to strengthen pre-deployment systems, particularly through the expansion of training curricula at the IPSC with context-based simulations from the DRC. Strengthening these targeted measures represents the most feasible approach to improving accountability, reducing the risk of IHL violations, and ensuring more effective mandate implementation. Ultimately, these reforms can reinforce Indonesia's position as an active peacemaker and support the refinement of Presidential Regulation No. 86 of 2015 in alignment with international standards.

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