INTERNATIONAL LEGAL ANALYSIS OF THE BOYCOTT PRODUCTS SUSPECTED OF SUPPORTING GENOCIDE

Abstract
This journal explores the significance of boycotting products suspected of supporting genocide within the framework of international law. The complex relationship between human rights, state responsibility to prevent genocide, and the international community's response to violations of international norms is at the heart of this investigation. The study defines boycott as a form of isolation undertaken by individuals or groups against an entity, encompassing actions like blacklisting, embargoes, and blockades, targeting various products from consumer goods to academic and sports products. Governments, either individually or collectively, issue boycott resolutions, as exemplified by Arab countries' historic boycott against Israel. The paper also introduces other forms of boycotts, such as investment withdrawal, divestment, and sanctions, citing examples like Sudan. Framing the discussion within the context of the United Nations Genocide Convention, the journal argues that product boycotts can serve as tools for enforcing compliance with the convention, holding states accountable for preventing genocide. Moreover, product boycotts play a vital role in the international public sphere, mobilizing global public opinion and exerting social, economic, and political pressure on perpetrators of genocide. The study addresses critical questions, focusing on the role of product boycotts as sanctions in international law and their impact on garnering global support and pressuring perpetrators, while providing a voice to victims. The research methodology employed is normative legal research, relying on literature review and secondary legal sources, including journals, articles, and news related to the international legal analysis of the boycott of products suspected of supporting genocide. The journal concludes by emphasizing the importance of boycotting products suspected of supporting genocide within the international legal framework, not only as a form of protest but as a tangible measure to uphold human rights and prevent genocide.

Keywords: Boycotting products, Genocide, International law, Human rights, State responsibility, International community, Violations of international norms

Abstrak
Tujuan penelitian ini pentingnya memboikot produk yang dicurigai mendukung genosida dalam kerangka hukum internasional. Hubungan kompleks antara hak asasi manusia, tanggung jawab negara untuk mencegah genosida, dan tanggapan masyarakat internasional terhadap pelanggaran norma-norma internasional adalah inti dari penyelidikan ini.

Kata kunci: Boikot produk, Genosida, Hukum internasional, Hak asasi manusia, Tanggung jawab negara, Komunitas internasional, Pelanggaran norma internasional

INTRODUCTION

The boycott of products suspected of supporting genocide has significance within the framework of international law because it engages in the complex relationship between human rights, states responsibility to prevent genocide, and the international community's efforts to respond to serious violations of international norms.

Boycott is a form of isolation carried out by individuals or groups against an entity. The variety of actions indicating the implementation of a boycott involves the creation of a blacklist, the implementation of an embargo, and the implementation of a blockade. The boycott category includes aspects such as the reasons for the boycott, the approach taken, the actions involved, and the type of product that is the object of the boycott. The boycott aspect includes the party initiating the boycott, be it the community, authorities, or international institutions. Meanwhile, there are two approaches to boycotts, namely direct and indirect.
approaches. Boycott actions include strikes, pickets, and rejection of an object. The types of products that can be targeted by boycotts include a wide range of consumer goods, academic products, to sports products (Yunus, et. al, 2020).

According to Model Law of the United Nations Conference on Trade and Development (UNCTAD), a boycott is defined as an act of concerted refusal to buy or sell, or a threat to do so. This includes methods that are often used to force parties who are not part of a particular group to participate in activities that have been determined by that group (Knud Hansen, et al.: 2001). These boycotts are introduced by the authorities of a region, such as the government of a country or a combination of several governments, or through resolutions prohibiting transactions with the parties targeted by the boycott. Boycott resolutions or decisions are issued officially by local governments or authorities, both in situations of peace and war, as happened in boycotts carried out by Arab countries against Israel. Arab League members agreed to support the Palestinian cause in protecting their country's sovereignty from Israeli occupation. This boycott began in 1922, that is, 26 years before the establishment of the State of Israel. The Syrian-Palestinian Arab Executive Committee of Congress began advocating a boycott of business activity with Jews in 1933 (Sela, 2022).

In addition to the explained product boycott, there are other forms of boycott, such as investment withdrawal and limitations or divestment and sanctions. Divestment, which is the opposite of investment, refers to the act of releasing assets held in a company to lessen financial burdens or as a political measure to encourage a change in attitude of an entity. This strategy was previously enforced on Sudan (Ding, et al., 2018).

The usage of the term “boycott” in this context pertains to actions where two or more states collaborate to disrupt the economic or political autonomy of another state, often by restricting trade with its region. The intention is to view such actions as a form of international legal sanction. Our focus lies not on the effectiveness of a boycott in accomplishing the objectives of those initiating it but rather on its role as a tool for justice in fostering respect for law within the international community (Charles Cheney Hyde, 1933).

The boycott of products suspected of supporting genocide reflects a response to serious violations of human rights. Genocide, as a crime against humanity, involves deliberate and systematic actions to deprive individuals of basic rights, including the right to life and freedom from torture. By linking product boycotts to alleged support for genocide, the international community maintains that freedom and human dignity should be valued above economic or political interests.

In the context of international law, boycotts of products suspected of supporting genocide reflect the implementation of the principles of the United Nations Genocide Convention. States that have ratified this convention are obliged to prevent and crack down on genocide. Boycotts become a tool that can be used by states and the international community to force states involved in genocide to abide by the provisions of the convention and be held accountable for their actions.

Product boycotts also create repercussions in the international public sphere and provide a platform for shared responsibility in response to genocide. These actions can stir global public opinion and create social, economic, and political pressure on the perpetrators of genocide. By actively involving the international community, product boycotts become a tool capable of raising global awareness of the crime of genocide and giving voice to victims who may not have the means to voice their interests.
Overall, the issue of boycotting products suspected of supporting genocide is important in the framework of international law because it involves aspects of human rights, responsibilities of states, and collaboration of responsibilities within the international community. This boycott is not only a form of protest against the practice of genocide, but also as a concrete step to ensure that international norms related to human rights and prevention of genocide are firmly upheld. With the above problems, the author concludes in the formulation of the problem as follows: How can product boycott be considered a form of sanctions in international law? How do product boycotts create an impact in the international public sphere and how they play a role in garnering global support, creating social, economic, and political pressure on perpetrators of genocide, and giving voice to victims who may not have the means to voice their interests?

METHODS RESEARCH

The research method used in this research is the normative legal research method or known as legal research, which defines research as the careful and accurate repetition of legal material or legal data to resolve legal problems. The focus of normative juridical legal research is to provide arguments regarding legal emptiness, legal ambiguity, or conflicting norms using a regulatory convention approach. In addition, the secondary legal materials used include non-official legal sources such as legal journals, articles and news related to International Legal Analysis of the Boycott of Products Suspected of Supporting Genocide.

RESULTS AND DISCUSSION

Product Boycotts Can Be Considered Sanctions In International Law

Initially, the term "sanction" was sometimes interpreted to include any act "committed against a State to compel its observance of international law or impose penalties for violations of international law (J. Law and E.A. Martin eds.,2014)." When extended to the global arena, the notion of "sanctions" as a mechanism for upholding international legal standards is fundamentally connected to the enduring discussion on whether international law inherently holds a universally recognized "legal" authority (J. Austin, 1945).

In the broader context of international law, a sanction is characterized as an action taken by one or multiple states against another to compel the latter to adhere to its legal duties. This parallels the concept of sanctions in domestic law, where a sanction is associated with the penalty attached to the breach of a law, serving as a mechanism for its enforcement.

Globally, it is noted that the Boycott, Divestment, Sanctions (BDS) movement has grown rapidly since 2005, and this phenomenon has become a source of inspiration for Muslims in various countries to boycott Israeli brands and brands affiliated with companies deemed to support Israel (BDSmovement, 2016).
The official website of the BDS Movement presents three main strategies that they implement. First, they encouraged a boycott by consumers, making a call to completely avoid products and companies implicated in Israel's human rights violations in the Palestinian territories. Second, focus on divestment, where the BDS Movement calls on banks, arms manufacturers, and academic institutions to deprive their investments from Israel and connected companies. This step was taken as a form of economic pressure on entities involved in the conflict in Palestine. Third, it involves sanctions, which are campaigns to force governments to stop military trade and free trade agreements with Israel. This movement is also aimed at the United Nations (UN) with the aim of suspending Israel's membership, aimed at exerting political pressure so that the oppressive measures against Palestine are immediately stopped (CNN, 2023).

The Fatwa Commission of the Indonesian Ulema Council (MUI) issued the latest fatwa number 83 of 2023 on November 8, 2023, stating that supporting Israeli aggression against Palestine is haram. The MUI also appealed to Muslims to avoid transactions and use of products affiliated with Israel as well as those that support occupation and Zionism. Analysis by Drone Emprit, a social media monitoring tool, shows that 66% of netizens responded positively to the MUI's fatwa. Previously, calls for international boycotts such as the BDS movement received little public attention, but MUI fatwas created a significant impact, even in villages (MUI, 2023).

A boycott may be defined as "The refusal and incitement to refusal to have commercial or social dealings with offending groups or individuals!" More specifically, international economic boycotts are devices by which one or more states (or their citizens) attempt to inflict economic hardship upon a target nation (A.R. C. De Crespigny and R. T. McKinnel, 1960).

The method of coercion manifests as a disruption in the regular foreign trade and financial activities of the targeted state. In most cases, the initiation of a boycott serves as a political maneuver aimed at influencing the practices and policies of the offending country, utilizing economic measures as a coercive means. The success of a boycott is often measured by its ability to achieve the intended goals set by its initiators. Generally, economic sanctions must be effective, causing economic harm, to be deemed successful. However, it is noteworthy that boycotts may, in many instances, prove effective without achieving success. This particular scenario is evident in the Arab boycott of Israel, where the Arab states have not acknowledged Israel's right to exist. The League's interpretation is centered on the belief that the boycott will eventually lead to the economic collapse of Israel, demonstrating its perceived economic inviability in a hostile world. Although the boycott has not proven successful from a political standpoint, it has undeniably had economic repercussions. This study aims to explore the origins and characteristics of the boycott mechanism and to outline the economic costs and consequences faced by Israel. While it is acknowledged that the implementation of sanctions may generally result in some adverse economic effects on the boycotting states themselves, this study does not delve into the costs to the Arab world (Donald L. Losman, 1972).

International legal sanctions, on the other hand, are official steps taken by a country or group of states to enforce or comply with the norms of international law. This type of sanctions includes economic, diplomatic, or military measures aimed at exerting pressure or establishing consequences for violations of international law. On the other hand, boycotts can be used as a tool of sanctions within the framework of international law if they are
implemented in accordance with applicable legal provisions and obtain approval from competent international institutions. However, boycotts do not automatically become a form of international legal sanction without going through the appropriate legal process and legitimacy. That international legal sanctions involve actions officially recognized by the international community, while boycotts are more general measures and can be carried out by various parties as a form of protest or political action.

**Boycotts Create Impact In The International Public**

The decision in the case of St. Paul Fire & Marine Insurance Co. v. Barry (1978) defines boycott as a strategy used to pressure a party involved in a dispute, where one party uses an effort to restrain or exert pressure on the other person to provide the support or service in question (Anisah, 2015). At the outset, a boycott initiative attracted global attention. By utilizing various media and social platforms, crucial messages are declared and disseminated around the world, creating sensations and attracting the attention of the international public. As coverage of the boycott movement spread, the perceptions and views of the international community on the issue began to take shape. Solidarity developed among supporters of the boycott, creating pressure on public opinion. With equal support from different parts of the world, the boycott movement developed into a global force. Peoples of different countries unite in support of the boycott goal, creating a phenomenon of solidarity that transcends national borders. Boycotts don't just affect opinion. The economic impact is felt globally. Companies or countries targeted by boycotts can suffer significant financial losses, drawing attention from governments and businesses at the international level. Threats to reputation and financial stability prompt companies to take action. Companies targeted by boycotts can respond by changing their policies or behavior in line with the expectations of the international community. Pressure from the international community often gets a response from governments. Diplomatic action or regulatory changes can be taken in response to boycotts, creating dynamics in international relations. Boycotts can have significant legal consequences. Governments or international agencies can establish new regulations to address the issues underlying the boycott, creating a legal framework governing related behavior. Boycotts have an impact on cultural change. Norms and practices that are considered unethical are questioned, creating a reevaluation of society's values and a change in society's view of various issues.

In April 2004, representatives of 19 Arab countries gathered at the 72nd conference of the Israel Boycott Bureau to strengthen boycott measures. The meeting discussed the possibility of adding new companies doing business with Israel to the blacklist. Some countries, such as Mauritania, Egypt, and Jordan, which have diplomatic relations with Israel, were absent. In late 2005, Saudi Arabia was forced to halt its boycott of Israel as a condition of joining the WTO. Despite initially agreeing, the government later maintained a first-degree boycott of Israeli products. The deal included the withdrawal of second- and third-tier boycotts in accordance with GCC decisions, not WTO demands. The Saudi ambassador admitted to still implementing the boycott, breaking previous promises to the Bush Administration, and participating in the 2007 boycott conference. During free trade negotiations with Bahrain, Oman, and the United Arab Emirates, boycott status was a concern. Although they agreed not to abide by the boycott, indications show they still support the policy. In April 2007, representatives of 14 Arab countries were present at the Arab League's Israel Boycott Bureau conference in Syria; countries such as Mauritania, Egypt,
Jordan, Bahrain, and Oman are absent. The US government is worried about a boycott of Iraq, which in 2006 saw an increase in demand by 287%. The United Arab Emirates became the largest source of demand. The Commerce Department noted nine companies paid under $96,000 to settle allegations of U.S. antiboycott violations in 2006. In January 2007, the National Bank of Egypt in New York was fined $22,500. In 2011, four companies paid $72,000 in fines related to anti-boycott violations. Kuwait Airways rejected passengers with Israeli passports 14 times; In 2020, it agreed to pay a $700,000 fine, with $100,000 suspended for three years. In this context, the chronology reflects the dynamics and challenges of implementation as well as the impact of Israel’s boycott policy in the Arab region (Mitchell Bard, 1945).

The boycott raises global awareness of the conflict between Israel and Arab countries. The key role of conferences and media coverage in disseminating information and shaping global views is evident. Countries that have diplomatic relations with Israel face pressure to comply with boycott policies, such as Saudi Arabia which was forced to stop boycotts as a condition of joining the WTO, demonstrating the direct impact of international pressure. Boycott status also affects free trade negotiations, creating complexity in economic relations with certain countries, despite agreements not to abide by the boycott. The global economic impact of the boycott was reflected through the imposition of sanctions against targeted companies or countries, including fines against the National Bank of Egypt and those companies in 2011, as well as a fine deal with Kuwait Airways in 2020, which recorded a significant financial impact.

Conclusion

The global network of international law intersects with the intricate dynamics involving human rights, states' obligations to prevent genocide, and the international community's response to severe breaches of global norms. Boycott, as a tool of isolation employed by individuals or groups against an entity, takes various forms, including creating blacklists, imposing embargoes, and implementing blockades. The multifaceted nature of boycotts encompasses reasons, approaches, actions, and targeted products, involving parties such as communities, authorities, or international institutions. With both direct and indirect approaches, boycott actions range from strikes and pickets to rejecting specific objects. The Boycott of Israel by Arab countries has significant international repercussions, touching upon various dimensions: a. Conferences and media coverage play pivotal roles in raising international awareness of the Israel-Arab conflict, disseminating information, and shaping global perspectives. b. Nations with diplomatic ties to Israel face pressure to adhere to boycott policies, as exemplified by Saudi Arabia compelled to halt its boycott as a prerequisite for WTO accession. c. Boycott status affects free trade negotiations, adding complexity to economic relations with specific countries, despite agreements not to comply with the boycott. d. The surge in Iraq's boycott demands raises international concerns, reflecting the potential for tension and conflict in international relations. e. The implementation of boycotts results in global economic repercussions, evidenced by sanctions against targeted entities and significant financial impacts, such as fines on the National Bank of Egypt and companies in 2011, and a settlement with Kuwait Airways in 2020. In this intricate landscape, boycotting products suspected of supporting genocide emerges as a response to grave human rights violations. Tying product boycotts to alleged genocide support aligns with the principles of the UN Genocide Convention. States and the international community utilize boycotts as tools.
to enforce compliance with the convention and hold accountable those involved in genocide. The repercussions extend to the international public sphere, fostering shared responsibility in response to genocide. Boycotts can shape global public opinion, exert social, economic, and political pressure, and amplify the voices of victims who lack other means of expression. In conclusion, the issue of boycotting products suspected of supporting genocide holds paramount importance within the framework of international law, intertwining aspects of human rights, state responsibilities, and collaborative efforts within the international community. Beyond a mere protest, such boycotts constitute concrete steps to ensure the steadfast upholding of international norms related to human rights and the prevention of genocide. The study poses critical questions about the role of product boycotts as a form of sanctions in international law, their impact on the international public sphere, and their role in garnering global support and pressuring perpetrators of genocide while giving voice to victims. The research methodology involves normative legal research, focusing on legal principles, systems, and historical analysis to address the questions raised.

Bibliography
BDS Indonesia. 2016. Kenali Produk-produk Pendukung Apartheid Israel
Knud Hansen, et. al., Undang-Undang Larangan Praktek Monopi dan Persaingan Usaha Tidak Sehat,

