Dialectics of Terrorism and the Right of Peoples to Resist for Self-Determination

Ayman Abu Al-haj[1]

Abstract

The way terrorism is conceptualized today inadvertently reinforces political ideas about terrorism. This paper focuses on the interrelationship of terrorism with human security law. In addition, it discusses terrorism in the context of international criminal law, human rights, and counterterrorism, such as the right of people to self-determination. It finds that the conflict between the rights of states and the rights of oppressed peoples is the core of the debate. While governments have the exclusive right to use legitimate force in their territories, this right is not without limits, especially when it violates the basic rights of individuals and communities. The Charter of the United Nations and various other international legal texts, which strongly affirm the principle of self-determination, provide a moral and legal basis for just resistance against oppressive governments. The distinction between the right of peoples to resist terrorism and the right to self-determination underscores the importance of a thorough understanding of the dynamics of conflict, as well as a commitment to dialogue, peace-building, and amicable resolution of disputes. Over the long term, achieving a more just and balanced global order can only be achieved through collective efforts to challenge systemic injustice and give a voice to the marginalized.

Keywords: Dialectics, Human Rights, Self-Determination, Terrorism, Violence.

Introduction

The genesis of this paper aims to deliberate the use of violence called Terrorism to invent fear among humans to acquire a certain political goal. Both leftist and rightist terrorist acts have been conducted with political parties, religious and nationalist groups, rebels, and even government institutions like the armed forces, intelligence agencies, and police have all engaged in acts of terrorism. Terrorism is often a complicated and contentious phenomenon because it is based on inherent fury and brutality. In constant, the word has gained a lot of popularity and strong negative connotations in this common culture. In the 1790s, it was first used for discussion about the terror that rebels used against their opponents in the French Revolution. During their Reign of Terror, Maximillian

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[1] Associate Prof. Faculty of Law, Al-Balqa Applied University. Ayman_abuhaj@bau.edu.jo ,
ORCID: https://orcid.org/0000-0002-6535-6978

Robespierre's Jacobin group put a lot of people to death at the guillotine. Since the 20th century, the word "terrorism" has mostly been used to describe violent acts against governments that aim to prevent the establishment of regimes or change policies. This is even though the meaning of terrorism. in this case, requires a state to use violence against its people (Sandler, 2011).

Few governments have clear rules about what terrorism is, but those that do have a few things in common. When violence or the fear of violence is used to intimidate many people, not just the immediate victims, it is called terrorism. Terrorism differs from both conventional warfare and guerrilla conflict in terms of how much it relies on fear. Conventional armed forces always use psychological warfare against their enemies, but the primary weapon is psychological warfare against their opponents. Similarly, insurgent groups such as the Viet Cong in Vietnam and the Khmer Rouge in Cambodia try to win battles and sometimes even wars. They are often time-dependent and rely on terrorist attacks and other forms of marketing. In other words, terrorism is the planned use of violence, when direct military victory is not possible, to instill fear and advance political goals. Because of this, some social scientists have identified terrorism as "the weapon of the weakest" and guerrilla warfare as "the weapon of the weakest." (Van Munster, 2004).

The field of terrorism studies has evolved in stages, and it is customary to point out that terrorist scholars have different academic backgrounds and conflicting viewpoints. From a lay perspective, it seems surprising that in the last few years, researchers studying terrorism have reached broad but genuine scientific agreement on some of the fundamental elements that define a terrorist. There are still questions that have not been answered and arguments and conversations are still ongoing. On the contrary, we know that people do not readily accept political assassination. However, the most important thing is that there are as many paths to becoming a terrorist as there are human beings. Figure 1 shows the factor that makes a person into a terrorist (Coolsaet, 2022).

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Figure 1: Represent the factor that makes a person into terrorist.

History on Intersection of Terrorism and Human Security

The dominance of a market economy and the advancement of communications and technology are both results of globalization. Anyhow the benefits, there are several drawbacks as well, such as risks to human security. The globe is now dealing with issues including breaking norms, difficulties related to national identity, unstable economies, joblessness, and a lack of functional security. Due to these issues, societies become vulnerable to international terrorism, which calls for the development of a new definition of security that emphasizes the role that people play in thwarting such threats. In light of terrorism, human security is a significant problem and is essential to meeting several development indicators, including human advancement, the satisfaction of fundamental needs, and peaceful life free from fear and uncertainty about the future (Cliffe, 1999).

The 21st century has seen a significant rise in terrorism, a phenomenon that transcends political, geographical, and cognitive boundaries and has affected

the Arab world. The Arab world has been plagued by political unrest ever since the Arab Spring, which has led to the resurgence of terrorism in a variety of shapes and forms. It includes enduring threats with political, social, economic, and strategic motivations. Human rights have also been connected to the danger to human security (Faqir and Alrousan, 2023). The detrimental effects of terrorism on the protection of human rights and freedoms were affirmed by a ruling that was approved by the United Nations Human Rights Council on March 23, 2018. Recognizing acts of terrorism as unlawful and unjustifiable, the UNHRC promoted actions to ensure international human rights law is complied with by counterterrorism legislation and its implementation (Borum, 2017).

Literature Review

The study aims to clarify the dialectic between radicalism and pesantren that exists in the Lamongan Regency. Several pesantren, including one in Lamongan, were among the thousands of pesantren across Indonesia that the National Counter-Terrorism Agency (BNPT) revealed to be engaged in the recruitment of radical santri. However, the BNPT's revelation led to a generalization by outside observers that is, that all Indonesian presenters, not just some of them, preach radicalism (Ridlwan, 2019). Many others are impacted by the evil deeds of a small number of individuals. Pesantren who are charged with encouraging extreme behavior also contest that they do so. What is radicalism and dialectic specifically taught by pesantren, and which form of pesantren teaches radicalism? Interview and field data may demonstrate the existence of pesantren dialectic and radicalism.

A theory of recognition is used as the primary point of criticism in this study to look at the theoretical and practical problems that terrorism brings to a moral theory of justice. Modern law is meant to protect ideals like individual freedom and human respect, which are always at odds with the idea of justice. Events that are very different from what is expected, like terrorism, both set the limits of this conflict and push them further. Terrorist presents a difficult situation for theorists like Antony Duff who want to characterize punishment as a communicative activity and hence legitimate in the perspective of a liberal democratic society (Carvalho, 2012). But this theory leaves out a very important part of the social side of liberty. Without it, the communication process that the penalty is supposed to protect is put at risk. This study seeks to examine the criminalization of terrorism from the standpoint of recognition, challenging the previously stated rationale for punishment while also offering criticisms.

The study examined how persuasive meaning works by using short case studies and a close look at how the word "war" was used in reactions to terrorists

after September 11, 2001. (Zarefsky, 2006) analyzing persuasive definitions, we may identify commonalities and distinctiveness between the use of strategic maneuvering in rhetorical and dialectical arguments, as well as distinctions between the normatively ideal and real-world arguments on the function of strategic maneuvering (Ali and Faqir, 2024). By doing this, the comparison between real rhetoric and ideal dialectic or vice versa will not be made using a double standard. The analysis's findings point to potential areas of convergence between rhetorical and dialectical methods of arguing.

Political concepts of terrorism are unintentionally reified in many modern conceptualizations of terrorism. Researchers tend to ignore the process of terrorism, which entails an evolving dialectic of acts and responses, mostly because they ultimately depend on terrorists' intent to define "terrorism." As a result, terrorism is reduced to the deliberate acts of terrorists, and this obfuscation of the terrorists' motivations serves to both enable the political "negation of history" and the "rhetoric of response." (Schinkel, 2009) presenting a conceptualization of terrorism in this paper that goes beyond current definitions and conceptualizations by first differentiating between terrorism and terror, and then conceptualizing terrorism as a paradox, whereby what terrorism is intrinsically linked to the response to terrorism. Some nations describe an act of terrorism as "terrorism" by "refolding" acts that happened after an event into that event as the first cause of the whole chain of events.

Discussion

Human rights are universal laws that protect them from actions or inactions, usually by the government, that hurt their basic freedoms, rights, and sense of worth. The preservation, fulfillment, and respect of civil, cultural, economic, political, and social rights in addition to the right to development are all included in the whole range of human rights. It is said that human rights are inalienable, intertwined, and global, which means that everyone has them. It is said that human rights are inalienable, intertwined, and global, which means that everyone has them (Nijim, 2023).

Indirect Instrumentality of Terrorism

The first thing that may be inferred from present conceptualizations is that terrorism operates via indirect instrumentalism in other words, terrorists criticize outsiders because they can't directly change the behavior of the people (mostly states) whose behavior they want to alter. Brown and Stern (2003) say that terrorism is "an act or threat of violence against people who are not fighting

intending to intimidate or hurt an audience or audiences." Sloan (1984) says that terrorism targets a large "audience" by focusing on a small group of civilians.

On the other hand, Terrorism uses two different kinds of indirect instrumentalism. Just like the people who are hurt by terrorism are not the main goal, neither is the bigger population that is scared by it. In theory, A (terrorists) could be said to put pressure on B (an enemy government body) by striking or threatening to attack C (random citizens or symbolic targets). A hope is that by making D (the bigger population) afraid, D and maybe even E (foreign political groups) will put political pressure on B. Because terrorism uses fear as a tool, it works best when C and D can be switched around. In other words, it works best when its direct targets are people rather than things, and it also works best when its direct targets can be anyone worried about terrorists. The best way to make people afraid is for direct victims and people who watch terrorists to be able to talk to each other.

Terrorism and International Criminal Law

The international legal community began attempting to create a comprehensive anti-terrorism pact in 1996. Because the definition of terrorism has never been agreed upon, there have been several efforts to agree on a global treaty within the framework of an ad hoc committee of the UN Global Assembly, but this aim has never been achieved. The International Covenant on Civil and Political Rights does not include the crime of terrorism for the same reason. Given the impact of the September 11 attacks on both national and international criminal law and the absence of an international extradition convention about international terrorism, this begs the question of how well-equipped international criminal legislation is to combat international terrorism. The terrorist assaults in Bali and Mombasa (Kenya) have highlighted the further need for such a standard convention (Knoops, 2003).

Human Rights and Counterterrorism

Denying humans their rights is a direct result of terrorism. Because of this, states need to have strong policies against terrorists. The fight against terrorism may be hard for states and other groups because of difficult problems, but international human rights law can still handle them. One view says that Africa is filled with war, poverty, and disease attacks, so US interests don't need to be concerned with it. Because of its geography and culture, Africa is likely to stay that way for a while (Chege, 2001). A different view on US foreign policy, mostly linked to the National Coalition for Africa, calls for an African Marshall Plan and US participation in a wide range of African issues. This paper provides a strong case for a minimum US foreign policy for Africa that works for both the US and

Africa. It talks about issues like international security and counterterrorism, democracy and human rights, free trade, and major changes to the multilateral assistance system. By gradually expanding on these areas of success, US-Africa collaboration may ultimately reach a level that would defy those who would like to stay out of this troubled region and achieve any of the objectives that the total-involvement school today promotes (Rothchild, 2001).

Protection of human rights

Human rights are deeply embedded in the legal, ethical, and moral frameworks of both nation-states and the global community. This is especially true in the widely held beliefs about a future where everyone aspires to freedom, justice, and peace (Alrousan and Faqir, 2023). Even after the 1948 Universal Declaration of Human Rights (UDHR) was adopted and developed, attitudes and actions related to human rights are still controversial, subject to criticism, and often involve flagrant violations such as hostile and repressive state sovereignty, anti-immigration politics and policies, and acts of terrorism. They have all had egregiously cruel effects on displaced peoples and members of minority communities worldwide. On the other hand, in the current era, civil advocacy groups and non-governmental organizations (NGOs) are actively promoting human rights as the cornerstone of their strategy to combat the oppressive and exploitative undertones of global capitalist expansion, as well as the growing tide of socio-cultural injustices and socio-economic disparities across the globe. Human rights are undoubtedly valuable as social, legal, and rhetorical concepts on a global and societal level. However, defining the terminology might cause problems for the intellectual and theoretical understanding of human rights (Turner, 1993).

International Legal Provisions on The Right to Self-Determination

The freedom to choose and manage one's own political, economic, and sociocultural destiny is known as the right to self-determination. It has been a term used in international law since the League of Nations was established and the Treaty of Versailles was signed. Originally, under the League of Nations, self-determination could only be recognized as a political ideal, or "an imperative principle that requires action" (Dersso, 2012, Faqir, 2023). The concept of the right to self-determination is claimed to have been originally introduced in international law by Woodrow Wilson, the 28th President of the United States (US), in his well-known speech and 14-point declaration on the topic.

The right was first established by the UN as a tool for its decolonization effort after World War I. With the inclusion of self-government in UN Charter

Article 1(2) and Article 55 in 1945 the first international legal instrument to do so self-determination gained the stature of a globally recognized legal concept right under international law (Strutton, 2022). The following resolutions of the UN General Assembly further confirmed the legal position of independence as a concept under international law. Article 2 of UN General Assembly Resolution 1514, the Declaration on the Providing of Freedom to Colonial Nations and Peoples (Colonial Declaration), adopted the notion of the right to self-determination as a right of peoples in 1960. By adding situations other than colonization to the list of situations in which Article 1 permits the right to self-determination, the right was thus expanded beyond the notion of decolonization (Margalit, 2022).

Palestine activism and legality

Yolanda Álvarez, a journalist, is aware of the unfavorable effects of reporting about Palestinian injustice. He covered Gaza's offensives in 2012 and 2014, and he was honored with many accolades for his reporting. But he also criticized the fact that, despite being some of the longest in the Gaza Strip, the 2014 follow-up was ignored by Spanish public television and has not been returned to the Middle East. Due to his involvement in the 2014 tragedy, the Israeli embassy designated him as a Hamas activist. Israel uses hate speech and anti-Semitism as a shield to stifle criticism of its actions. According to Patricia Simon, the Zionist lobby has made financial investments to pressure the European Union to go in that direction. "Hatred is an indicator of conformity to anti-discourse standards, but these norms are intended to criminalize any speech that raises serious concerns about Israel's occupation." According to Simon, these pressures have also been acknowledged by the Spanish government. Hate speech on social media is disseminated by government-run account management algorithms; nevertheless, certain Zionist non-governmental organizations have inserted terms like "anti-Zionism," "Israel," and "occupation" into these algorithms. These ideas are categorically regarded as hate speech. In addition to "Stop Islam" and "IV Reich," the Spanish government's regulations mention "troll and usual expressions of racist users," "BDS" (boycott, divestment, and penalties), "Free Palestine," "Apartheid," and "defend human rights" (Nijim, 2023).

Resistance or terrorism

The media's nomination of the terrorist organization Hamas, according to speakers, is inappropriate. Although Yolanda Álvarez said, "in many other parts of the world they are unable to comprehend it that way and journalists are not to say whoever is a terrorist group," this moniker has been widely used in the global

north. It should refer to this as the Islamic Resistance Movement. His voice clarified that it is against the rules for media outlets like the BBC and Associated Press to use the term "terrorist" in their style guides. Isabel Pérez emphasized the pressure from the media on this matter. The head of the AFP agency was summoned by the French Senate to explain why the term "terrorist" is not used when discussing Hamas. The director said that they were unable to make that decision and that many of their clientele are from the global South, where Hamas is seen as a resistance movement rather than a terrorist organization (Turk, 2004).

International law was enacted by Lubnah Shomali

The right to defense is granted to Israel, but because they are an occupying force, this right does not belong to them." She reminded us that the Palestinians' right to resistance for which "all means can be used" is activated by their condition of colonialism and occupation. She criticized the media for only reporting terrorism and murder instead of acts of resistance. According to her, Palestinians have the right to resist their colonial oppressor "through armed struggle and from a non-arms perspective." For example, Israel claims that the Palestinians' BDS campaigns and legal actions are direct attacks on it, even though Palestinians have the right to do so." As a journalist, Isabel Pérez believes that international and humanitarian law are the best bases for creating a story. However, Teresa Aranguren clarifies, "The reality is so distorted that whenever a journalist speaks in terms of international law, he appears to be a Palestinian activist.

Israel-Palestine conflict

At least 1,300 people were killed and scores more were injured as Hamas launched a surprise onslaught into southern Israel on October 7, a Jewish Sabbath day, hitting military outposts and civilian areas. During the siege, around 150 individuals, including foreigners, Israelis, and dual nationalities, were held captive by Hamas. Since the 1948 Arab-Israeli War, Israel has not engaged its enemies in street conflicts on its soil, making the assaults exceptional in both scope and strategy. It has also never seen a terror assault with this intensity that has claimed so many civilian lives (Gelvin, 2014).

The operation was dubbed "Al-Aqsa Storm" by Hamas, which claimed that it was a reaction to Israeli assaults on women, the destruction of Jerusalem's al-Aqsa mosque, and the continuous blockade of Gaza. Israel launched a huge military counterattack on Gaza after the Hamas strike, including missiles, fighter planes, and potentially lethal weapons such as white phosphorus, according to Human Rights Watch. Almost 2,300 Palestinians have been killed in airstrikes so

far, the majority of them were civilians and included over 600 children. In addition, Israel has ordered the approximately 1.1 million residents of northern Gaza to relocate southward within the next 24 hours as it gets ready for a ground invasion. In reaction, if civilian targets are struck without prior notice, Hamas threatens to execute the captives one by one (Khan and Patel, 2023).

With over 2 million people jammed into a 140-square-mile area, the Gaza Strip constitutes one of the most densely inhabited locations on Earth. Situated on the western edge of Egypt, the enclave has been under siege ever since Hamas took it in 2007. Both the Egyptian ground blockade and the Israeli air, naval, and land siege of the region are still in effect today. Due to the Israeli assaults and embargo, Gaza is running short on food, fuel, and water, which has prompted requests for the urgent delivery of humanitarian relief. The first cargo left Jordan on Thursday and reached Egypt's Sinai; however, it was not immediately apparent when it would reach Gaza. The UN, relief organizations, and nations are putting out increasing calls to save Gazans from a humanitarian catastrophe. A second aircraft carrier attack group is being sent by the US to the eastern Mediterranean "to deter violent attacks against Israel or any attempts towards widening this war followed Hamas's attack," the US has said. Another carrier group that has already been deployed to the area will be joined by the USS Eisenhower with her associated units (Shomar, 2011).

The graph below shows how many Israelis and Palestinians were killed or wounded in the occupied Palestinian territory (oPt) and Israel between 2013 and 2023 as a result of the occupation and fighting (Faqir, 2013). Due to the high number of civilian deaths, humanitarian actors have had to respond in a variety of ways. Numerous events have raised questions about potential breaches of international law and a lack of responsibility. This entity will only include casualties related to the current hostilities between Israel and the Gaza Strip, which began on October 7, 2023, when these incidences have been reliably validated. Reports on such numbers may be seen in our Flash Updates and Snapshots till then. In contrast, information on casualties in Israel and the West Bank in other settings is updated regularly after October 7, 2023. Figure 2 shows the number of people killed in the conflict between Palestinians and Israelis (Affairs, 2022).
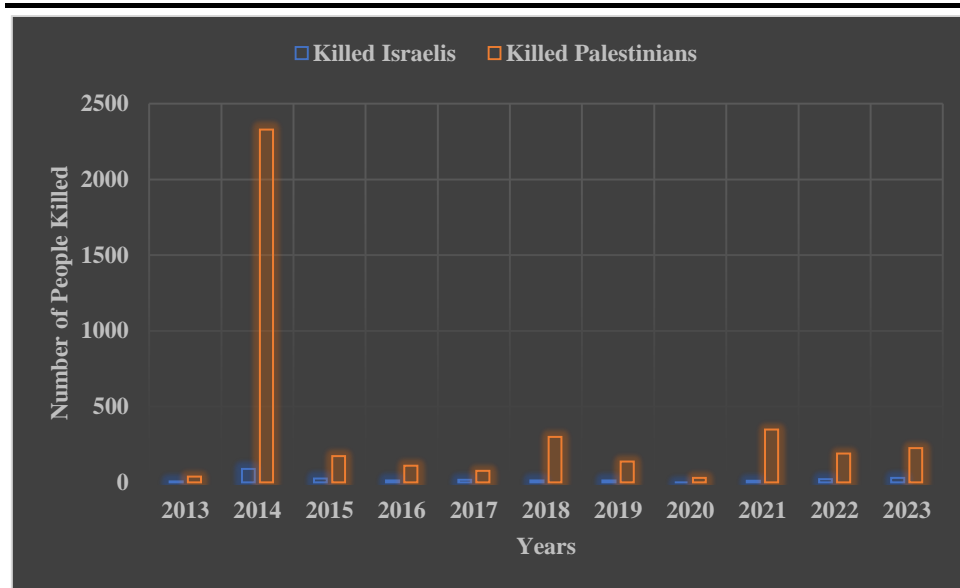
Figure 2: Number of people killed in conflict between Palestinians and Israelis (Affairs, 2022).

Use of Force in Exercising the Right to Self-Determination

How the right to self-determination may be exercised is not yet covered by any explicit legislative provisions. That right, however, may be employed in "any legitimate action," as stated in the 1993 Viennese Declaration, was further reinforced in the 1995 Fiftieth Anniversary Declaration. The idea that customary national law does not prescribe a particular method for the realization of the right to self-determination is confirmed by the International Court of Justice (ICJ) in the Chagos Advisory Opinion. Nevertheless, in the absence of clear legal guidelines, several actual situations may serve as models for identifying the appropriate course of action permitted by international law to exercise the fundamental right to self-determination. The right to self-determination must first be distinguished and categorized. The right toward self-determination is divided into two categories: internal and exterior self-determination (Pentassuglia, 2017). Internal self-determination is the methodical integration of all organizations in the national democratic procedure in a manner that maintains their cultural identity and allows them to grow on an equal basis with the majority community (Hilpold, 2017). The most common kind of this self-determination involves the establishment of an autonomous area, which is economically independent yet politically affiliated with the state.

Conclusion

Understanding international public law is essential to understanding the legal framework governing efforts against terrorism as terrorism is becoming an increasingly global phenomenon. In line with this logic, the chapters aimed to give you an overview of the most important parts of criminal international law, international humanitarian law, refugee law, and human rights law as they relate to fighting terrorism. Due to technology and globalization, bad social trends have emerged that threaten the security of people and the entire world. Terrorism is the most well-known of these problems. It is seen as a social issue that affects the security of people in social, political, food, health, and natural ways, as well as in the social systems of countries. It is important to understand the thin line between autonomy and self-determination, as the use of force to exercise this right remains controversial. However, counterterrorism strategies must protect human rights and comply with international law, even if they must be implemented to keep individuals safe. The challenging issue is to try to find a balance between the need to protect security and civil liberties and the need to fight terrorists without compromising the principles of democracy. Additionally, working together on a global level is essential to effectively combat transnational threats and prevent the spread of violent terrorism. To combat terrorism, a comprehensive approach is needed that emphasizes human security, protecting human rights, and advancing inclusive government. Addressing the causes of terrorism and encouraging people from different countries to work together can help reduce the potential threat posed by terrorism while protecting the values of democracy and fundamental freedoms.

Recommendation

- Differentiate between terrorism and legitimate resistance for self-determination by establishing strong ethical and legal boundaries.
- Examine the historic context of resistance activities to appreciate their roots and distinguish them from acts of terrorism.
- Ensure that the right to self-determination is maintained by international law, while reproachful terrorism universally.
- Encourage dialogue and peaceful mediation as substitutes to violence, confirming that the right to self-determination is pursued constructively.
- Inspire global agreement on the difference between terrorism and legitimate resistance, fostering collaboration in addressing both issues effectively.

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