

# JURIDICAL ANALYSIS OF IRAN'S WEAPON CONFLICT WITH ISRAEL IN THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW

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## *Abstract*

*This research is motivated by the weapons conflict that occurred in Iran and Israel which is based on humanist conflict and its resolution using International Humanitarian Law. The urgency of this research is to find out the obstacles in resolving the conflict between Israel and Iran. The method used is normative legal research or library research, namely legal research by examining library materials or secondary data consisting of primary legal materials. The result of this study is that the two countries have basically configured their armed forces not to fight each other but to serve broader strategic goals: Israel must defend its territory and borders from hostile neighbors, including through forward operations, while Iran must protect its government and project itself into asymmetric conflicts. But their power structures have been defined by wars of survival rather than conquest. The conclusion to this study is that the resolution of this conflict requires greater international attention and cooperation in law enforcement to prevent further violations and promote a just peace. Without a deep resolution to these fundamental issues, a long and stable peace between Iran and Israel seems difficult to achieve. This research recommends that efforts to support the implementation or application of International Humanitarian Law need to be increased to prevent as many violations of this Humanitarian Law as possible, address the abuse of militant groups and third parties, strengthen civilians, and increase cooperation in countering nuclear weapons.*

**Keywords:** Arms Conflict, International Humanitarian, Humanity.

## **A. BACKGROUND**

Armed conflict is a situation in which fighting or violence occurs between two or more parties, usually involving the use of weapons and military force, and can occur both between states (international conflict) and within a single state (non-international conflict or internal conflict). This requires legal scholars to evaluate whether such acts meet the principles established by international humanitarian law (IHL), which seeks to protect individuals involved in armed conflict, both belligerents and non-combatants. (Rommel Casis, 2025, 03)

According to International Law, States begin to establish cooperative relations with other States to establish better relations. From experience and world history, the nature of relations between subjects of International Law which does not only cover the scope of the State is always changing in accordance with changing times and circumstances. (Mustofa, et al,

2021, 104)

International Humanitarian Law (IHL), also known as the law of armed conflict or the law of war, is a branch of public international law that is characterized by its specifically designed to regulate the conduct of parties involved in armed conflicts, both international and non-international armed conflicts. These laws aim to protect individuals who are not participating in hostilities, such as civilians, medical personnel, humanitarian volunteers, as well as those who are no longer participating in combat, such as combatants who are wounded, sick, or have surrendered (prisoners of war). (Julia Schdmit, 2022, 13).

The main purpose of countries in the world entering into international relations is to fulfill the national interests of the country concerned. Often in fulfilling the national interests of each State, a dispute or conflict occurs, where there is a conflict of interests of two or more States, especially concerning the sovereignty of the State. Whether it is a conflict or dispute that can be resolved by diplomacy to a dispute that leads to armed conflict as a way of resolving the problem. International armed conflicts often occur when diplomacy efforts between two or more States reach a dead end. Armed conflicts that used to be war have been regulated in the Law of War which is now called Humanitarian Law. (Zelda Farah Ardiata, et al, 2022, 2)

Indonesia adheres to a constitutional system so that human rights issues become very important, because the essence of constitutionalism itself is basically twofold, namely, the protection of human rights and the division of state power with a system of checks and balances so that the government can provide protection for human rights. In the history of the development of the 1945 Constitution after the second amendment in 2000, starting from Article 28A to Article 28J. The end of the repressive New Order government after 32 years in power has raised awareness of the importance of respecting human rights. At the beginning of the reformation, one of the government's efforts to uphold and protect human rights was the enactment of Law No. 39 on Human Rights on September 23, 1999 and Law No. 26 of 2000 on Human Rights Courts on November 23, 2000. The settlement of cases of human rights violations is a form of progress, protection and enforcement of human rights as has agreed by countries in international treaties. The state is obliged to prosecute perpetrators of human rights violations in accordance with applicable national laws and regulations. The resolution of human rights violations is carried out impartially and free of interference from any party, because the perpetrators on trial can be from the military, police and civilians. In the practice of the Indonesian Human Rights Courts, both Ad Hoc and permanent, which have been established and have handled cases of gross violations of human rights in East Timor, Tanjung Priok, and Abepura cases, in the end they did not satisfy the sense of justice because the perpetrators were acquitted. (A. Yulia Yunara, 2021, 2)

Chapter Four of the Gospels mentions the killing of the first man. Moreover, in the Classical Hindu epic, The Bhagavad Gita extensively describes heroism, formidable rulers and the excitement of war between hostile armies. Armed conflict is a violent and hostile event between the parties. In the history of armed conflicts, it has been proven that conflicts are not only carried out unfairly, but also cause atrocities. The problem of conflict and war is a contemporary issue in the study of International Law, more so when human victims arise as a result of these events. Armed conflicts that often occur certainly violate human rights because there is violence and human suffering that is contrary to human values. (M. Jodi Setianto, et al, 2022, 4 )

Armed conflict is certainly not something that every party wants, but it cannot be denied that the existence of armed conflict in the international world still exists today even though many countries have signed various international conventions and agreements to maintain world peace and security from the emergence of armed conflicts. State security and urgent situations are certainly the most basic factors in the emergence of armed conflicts that have occurred or are still occurring today. The occurrence of armed conflicts begins with conflicts of

interest with other nations or conflicts between groups within a nation itself. (Pasorong Ridwan, et al, 2023, 04)

The author is interested in this title because the Iran-Israel conflict has political, historical and religious complexities that are interesting to analyze, and this conflict involves violations of international humanitarian law and the effectiveness of international law in resolving the conflict. Then armed conflict should be avoided as a form of problem solving, but efforts to avoid war on this earth are impossible. Thus, to be able to reduce the suffering caused by this war, an agreement was made in the form of international conventions and agreements governing war. This law was once known as the law of war and is now better known as International Humanitarian Law. Humanitarian Law, as a branch of Public International Law, is not widely known by the public. Likewise, its name has caused a lot of confusion because it is somewhat misleading. Not many people think that Humanitarian Law is a new name for what was previously known as the *Laws of War*. (Ni Putu Era Daniati, 2021, 284)

Since the beginning of Israel's independence on May 14, 1948, the relationship between Iran and Israel has been fraught with complicated dynamics. Initially, Iran under the leadership of King Mohammad Reza Shah Pahlevi indirectly recognized Israel's existence, but their friendship did not last long. Islamiyah (2016) notes that conflict began to emerge when Iran officially opposed the United Nations (UN) plan to divide Palestinian territory, which ultimately led to the establishment of the state of Israel. Through Resolution 181, the UN General Assembly called for Palestine to be divided into Arab and Jewish states in 1947. In the UN resolution, the city of Jerusalem was designated as a separate entity, or as it is called in Latin corpus separatum governed by a special international regime. Israel was recognized for full membership by the United Nations on May 11, 1949 or one year after Israel declared its independence in 1948. As a Muslim country, Iran actively supports the struggle of the Palestinian people and opposes the existence of Israel, even taking a strong stance against the Jews (Islamiyah 2016). (Suhayatmi, et al, 2024, 1)

In recent years, tensions between Iran and Israel have escalated. One of the triggers was an increase in Iran's uranium enrichment activities when the United States, Israel's main ally in the Middle East, pulled out of the nuclear deal with Iran in 2018. Reports from the International Atomic Energy Agency (IAEA) show that Iran has been enriching uranium to very high levels, which is difficult to detect because it is done in locations that are hidden and difficult to access (Pujayanti, 2022,4).

In the face of the power of the United States and Israel, Iran has chosen the path of proxy war through hardline groups such as the Hezbollah hardline group in Lebanon, the army supporting the Assad regime in Syria and the Hamas and Quds groups in Palestine. Sunday, April 14, 2024, became a pivotal point in the conflict between Iran and Israel. Surprisingly, Iran attacked Israel by sending weapons in the form of hundreds of drones and missiles into Israeli territory (Prasetyo, 2024). The Iranian military action was a retaliation for the bombing of the Iranian Embassy Consular building in Syria on April 1, 2024. The attack killed 16 people, including the leader of Iran's Islamic Revolutionary Guard Corps (IRGC) Brigadier General Mohammad Reza Zahedi and another high-ranking officer, Brigadier General Mohammad Hadi Haji Rahimi. (Mustofa & Syarifah, 2021,14).

Ali Khamenei told an Eid al-Fitr gathering in Tehran on Wednesday, April 10, 2024, that Israel "will be punished" for the attack. In return, Israel has so far made no official statement regarding the Iranian accusations. Syria is known to be a proxy war between the US and Iran and their respective allies. The ongoing war in Syria is not an internal conflict, but a war that has been designed against Syria by Israel, the US and other Western capitalist countries, because it is considered to be obstructing the interests of the US and its allies in the Middle East (Herlambang, 2022, 12).

Long before the bombing of the Consular building of the Iranian Embassy in Damascus, the relationship between Israel and Iran has always been tense. Apart from the ideology and opposing interests, the conflict between Israel and Iran was triggered by Iran's

foreign policy which supported the struggle for Palestinian independence from the Israeli practice of Zionism. The war between Israel and Palestine is often referred to as the longest war in modern human civilization. The conflict with the background of territorial struggle has started since 1948 marked by the outbreak of the first Arab-Israeli War after the establishment of the state of Israel. (Prasetyo, 2024,203).

Attacks on third countries' territory or territorial violations by Iran and Israel are questions of international law that attract attention. It is important to consider the principle of state sovereignty and the limits set by international law on the use of force in this context. The resolutions adopted by the UN Security Council regarding the Iran-Israel conflict are a matter of concern in the context of international law enforcement (D'Aspremont, 2024, 11).

From the description above, the author can formulate into two questions, the first (1) How is the juridical analysis of Iran's weapons conflict with Israel from a Humanitarian perspective International? The second (2). The type of research in this writing is normative legal research or library research, namely legal research by examining library materials or secondary data consisting of primary legal materials.

## **B. DISCUSSION**

### **1. Juridical Analysis of Iran's Arms Conflict with Israel in International Humanitarian Perspective**

At first, humanitarian law was known as the law of war, which is a set of rules governing behavior in situations of war, especially with regard to human values such as murder, violence, and abuse. The impact of war was immense, especially felt by the countries involved in the First World War in 1914-1918. This conflict caused mass destruction, prompting the need to regulate the actions that occur in war in order to remain in accordance with humanitarian principles. This situation led to the development of the law of war into humanitarian law, which not only regulates conduct in war, but also includes the protection of war victims, prisoners of war, and affected civilian populations. (Asya Jasran, et al, 2024, 03)

In times of armed conflict or war, compliance with international humanitarian law is essential for military members to regulate their behavior towards enemies, militias, or civilians who are not involved in combat. International humanitarian law has several important objectives (Mullinen, 1987). First, international humanitarian law aims to regulate the treatment of all parties involved in the conflict, both military and civilians and prevent human rights violations, unrestrained violence, and inhumane treatment of anyone involved in the conflict because in conflict situations, the lives and security of individuals are often threatened, and this kind of regulation is important to ensure that the basic rights of each individual are respected and protected. (Pustaka Puitika, 2023, 11)

International Court of Justice regulates the various sources of international law that can be applied. The article identifies 4 (four) types of sources of law, namely international conventions, international customs, general principles of law, and judicial decisions (jurisprudence), as well as the opinions of legal experts (Akehurst, 1987). International conventions refer to a series of international agreements that include rules recognized by the states involved, either generally or specifically. These treaties are established to regulate the behavior of states in situations of armed conflict and non-international conflict and to protect affected individuals. Rules expressly recognized in the convention include the prohibition of acts of violence against civilians, the protection of persons no longer participating in combat, and fundamental humanitarian principles such as the prohibition of torture and ill-treatment. States parties to the convention are expected to abide by these rules in all situations, including combat, occupation, or conflict prevention measures. (Sari Indah, 2021, 02)

Decisions from international tribunals, such as the International Court of Justice, and legal interpretations by legal experts from various countries are considered important additions to the body of international humanitarian law and provide valuable insights into the

development of international humanitarian law. Their opinions help fill legal gaps, provide a more comprehensive interpretation of existing norms, and develop new principles relevant to contemporary situations. Article 59 of the Statute of the International Court of Justice states that decisions of tribunals and the views of highly qualified jurists may be used as an additional means of enforcing the rule of law, which means that the decisions of tribunals and the views of recognized jurists can serve as guidelines in determining what is right in a case of international humanitarian law. (Jasran asya, et al, 2024, 3)

The source of law governing armed conflict in international humanitarian law in every country is the same, including Iran and Israel. The source of international humanitarian law before entering the 19th century. still in the form of international customary law, but after entering the 19th century international customary law governing humanitarian law. The sources of International Humanitarian Law which are the basis for the enactment of humanitarian law in a country include the following:

#### **a. The Hague Convention**

The Hague Convention is a part of regulating the means and methods of at war. The Hague Convention was the result of the First Peace Conference in 1899 and the Second Peace Conference in 1907.

##### 1) Hague Convention 1899

The 1899 Hague Convention was the outcome of the First Peace Conference and resulted in three conventions and three declarations. The three conventions included:

2. Convention I on the Peaceful Settlement of International Disputes;
3. II Convention on the Laws and Customs of War on Land;
4. Convention III on the Law of War at Sea;

while three declarations were produced, namely:

- Prohibit the use of bullets whose packaging does not completely cover the inside of the bullet so that it can break and grow inside the human body (dum bullets),
- Prohibit the launch of projectiles made from balloons,
- Prohibit the use of projectiles containing toxic gases.

##### 2) Hague Convention 1907

This convention is the result of the Second Peace Conference and a continuation of the First Peace Conference. one of the results of the conference is Convention IV on the Law and Customs of War on Land equipped with Hague regulations. In order to be recognized as a *belligerent*, *belligerents* themselves are parties to an armed conflict, therefore, the IV Hague Convention of 1907 in its annex states that a rebel group must meet the following requirements, namely: (1) Have a clear leader who is responsible for his men; (2) Have a uniform that can be seen from a distance; (3) Carry weapons openly; and (4) Comply with the customary laws of war.

#### **b. Geneva Convention**

The Geneva Conventions set out provisions on victim protection and there are four main agreements, which are as follows:

1. Geneva Convention I on the Amelioration of the Condition of Wounded and Sick Members of the Armed Forces on Land;
2. Second Geneva Convention on the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea;
3. Geneva Convention III on the Treatment of Prisoners of War;
4. Geneva Convention IV on the Protection of Civilian Persons in Time of War; The 1949 Geneva Convention was further supplemented by an Additional Protocol in 1977,

among others:

- a. Protocol I on the Protection of Victims of armed conflict;
- b. Protocol II on Non-International Armed Conflict Protection;
- c. Protocol III on the Adoption of the Distinctive Emblem of the State.

The article states that those who are not actively participating in the conflict (fallen, wounded, sick, or captured by the enemy) should be treated humanely. However, the existence of Article 3 can be exploited by rebels, especially to improve their political position, or in other words to justify their actions. So to avoid this, the closing of Article 3 states that : *The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.* "The application of the preceding provisions shall not affect the legal status of the Parties to the dispute".

The armed conflict between the state and the insurgents mentioned in Article 3 does not necessarily involve the insurgent government, but also occurs in situations involving fellow insurgents, in this case organized armed groups. This tendency can be found in a state with a weak government, or what Nils Melzer calls a failed state. Article 3 does not require the rebel group to be recognized as a belligerent by the government.

## 2. Constraints in Resolving the Iran-Israel Arms Conflict

Tehran's attack on Israel on April 13-14 and Israel's retaliatory strike on Isfahan on April 19 marked a sharp escalation in the decades-old conflict between the two countries: from indirect to direct confrontation. This escalation set a precedent for a new phase in which the two countries attack each other's sovereign territory directly through conventional military means. Such attacks raise the possibility of an 'all-out war' between the two countries, which becomes, if not imminent, at least conceivable in the new paradigm. An all-out war can take the form of direct attacks on sovereign territory and infrastructure to resolve the conflict, however, despite the recent escalation, there are still critical constraints on the ability of Iran and Israel to escalate the conflict further to a level that might qualify as an all-out war. These constraints are determined not only by political and geostrategic considerations but also by the military balance between the two countries. (Rhoades, et al 2023, 25)

### a. Not built for big wars

Although both sides have relatively large defense establishments, they structurally offset each other (with each force emphasizing different capabilities) and neither side has sufficient military capabilities to fight a sustained and direct conflict with the other. Except for Israel's undeclared nuclear capability, neither side can be said to have the capability to defeat the other militarily. Iran's physical size, the spread of its assets, and its asymmetric proxy arsenal provide it with resilience that offsets its defeat of Israel.

Both countries have essentially configured their armed forces not to go to war with each other but to serve broader strategic objectives: Israel must defend its territory and borders from hostile neighbors, including through forward operations, while Iran must protect its government and project itself into asymmetric conflicts. But their power structures have been defined by wars of survival rather than conquest.

The Iranian government's distrust of the imperial army led it to shelve conventional armed forces in favor of the Islamic Revolutionary Guard Corps (IRGC) and the volunteer paramilitary group Basij, both of which are tasked with defending the Islamic Republic. Iran has also invested heavily in its external asymmetric capabilities, creating and maintaining a network of regional partners that share its strategic goals, ideological similarities and most importantly its weapons systems. Israel has historically directed its armed forces to defend against state-level aggression from well-armed neighbors (Syria and Egypt) and more recently from asymmetric non-state armed groups (NSAGs), giving Israel a strong mix of domain dominance and intelligence-based capabilities. However, despite its strong offensive capabilities, the country has not

designed its armed forces to fight expeditionary wars beyond its periphery.

b. Main domain Aircraft and Missiles

The Israeli air force has demonstrated the ability to launch precision strikes from long distances with a variety of platforms including the F-15, F-16 and F-35. However, striking deep into Iran would be a logistical challenge requiring significant support. In comparison, Iran's air force has only aging aircraft to even defend its own airspace. Ballistic missiles, cruise missiles, and direct-attack munitions such as one-way attack UAVs (OWA-UAVs) are the main pillars of Iran's deterrence strategy, allowing it to strike at the depth of an enemy in the absence of an Iranian air force capable of such missions. Iran has invested heavily in the development of such systems domestically and has acquired a diverse missile arsenal with a range of up to 2,000 kilometers.

However, Iran's recent attacks on Israel have demonstrated the limitations of missile-centered asymmetric deterrence strategies. Israel's missile defenses achieved - with partner support - an unusually high ballistic missile interception rate, and Israeli and partner air forces managed to shoot down most Iranian cruise missiles and OWA-UAVs before they reached Israel's borders. The attack, almost certainly designed to overwhelm Israel's defenses, involved more than 100 ballistic missiles and featured some of Iran's most advanced systems in this area.

c. Nuclear deterrence

Israel's unrivaled ability to use nuclear weapons remains accompanied by serious constraints. Since the inception of its nuclear weapons program, Israel intends to defend through deterrence and, if necessary, the use of the country's presence. fatwa that the possession and use of nuclear weapons is haram (forbidden). In May 2024, the head of the International Atomic Energy Agency, Rafael Grossi, assessed that there had been no change in the scale or pace of Tehran's nuclear activities since the start of the Israel-Hamas war, although much work remains to be done to achieve a satisfactory inspection regime.

If Iran really wants to arm itself, it is unlikely to do so. would avoid detection by Israel and the US, which would require Israel and the US to act. Successive Israeli governments have affirmed their commitment not to allow Iran to have nuclear weapons. Neither side can afford a nuclear escalation: Iran cannot risk having weapons, and Israel cannot use them either.

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## **C. CLOSING**

### **1. Conclusion**

Based on the discussion above, the author can conclude that:

- a. From the perspective of international humanitarian law, the arms conflict between Iran and Israel contains serious violations of fundamental principles of the laws of war, including the protection of civilians, the prohibition of the use of weapons that damage the environment or cause untold suffering, and the obligation to ensure that any military action complies with the principles of proportionality and distinction. Resolution of this conflict requires greater international attention and cooperation in law enforcement to prevent further violations and promote a just peace.
- b. Resolving the arms conflict between Iran and Israel is one of the most complex diplomatic challenges, influenced by various internal, regional and international constraints. Diplomatic efforts need to include resolving the Palestinian issue more equitably, reducing nuclear tensions, and creating more constructive channels of communication. Without a deep resolution to these fundamental issues, a long and stable peace between Iran and Israel seems difficult to achieve.

### **2. ADVICE**

In suggestions, the author can convey several suggestions, namely:

- a. Suggestions that can be conveyed by the author are that efforts to support the implementation or application of International Humanitarian Law need to be increased to be able to prevent as much as possible violations of this Humanitarian Law, overcome the abuse of militant groups and third parties, strengthen civilians, and increase cooperation in countering nuclear weapons.
- b. Seeing so many violations in Humanitarian Law that occurred in the conflict between Iran and Israel, to overcome the obstacles in resolving the arms conflict between Iran and Israel, a more comprehensive and integrated approach is needed. The settlement must not only prioritize security, but also include social, cultural, and economic dimensions. Multilateral approaches, strengthening international mechanisms, as well as concrete steps to resolve the Palestinian issue and reducing nuclear tensions will go a long way in creating a more stable and sustainable peace.

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