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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

LEGAL FRAMEWORKS AND THE 2026 IRAN–ISRAEL– UNITED STATES CONFLICT: A JUS AD BELLUM AND INTERNATIONAL HUMANITARIAN LAW ANALYSIS

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Abstract

The escalation of hostilities between Iran, Israel, and the United States in 2026 has reignited global debate regarding the legality of the use of force in international law. This paper examines the legal framework governing interstate conflicts with particular focus on jus ad bellum principles under the United Nations Charter and jus in bello rules under International Humanitarian Law. The research evaluates competing legal arguments surrounding anticipatory self-defense, collective self-defense, and sovereignty violations. It also explores humanitarian concerns related to proportionality, distinction, and military necessity. Finally, the paper analyzes responses from international institutions and assesses whether contemporary geopolitical conflicts are reshaping traditional interpretations of international legal norms.

1. Introduction

The prohibition of the use of force remains one of the central pillars of modern international law. The United Nations Charter established a framework designed to prevent unilateral military aggression while allowing limited exceptions for collective security and self-defense. However, contemporary conflicts continue to challenge the clarity and effectiveness of this framework. The 2026 escalation involving Iran, Israel, and the United States represents one of the most legally complex confrontations in recent history.

This conflict reportedly involved coordinated strikes on Iranian military and nuclear facilities. Supporters of the operations argue that the actions were necessary to prevent an imminent nuclear

threat, while critics characterize the strikes as unlawful aggression. The legal debate surrounding this confrontation highlights deeper questions regarding anticipatory self-defense, state sovereignty, and humanitarian obligations.

2. Legal Framework Governing the Use of Force

The primary legal regulation of interstate force is contained in Article 2(4) of the United Nations Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any state. This provision is widely considered a cornerstone of international law and reflects the international community's effort to prevent wars of aggression.

Two major exceptions exist within the Charter system. The first involves authorization by the United Nations Security Council under Chapter VII, where force may be used to maintain or restore international peace and security. The second exception arises under Article 51, which preserves the inherent right of individual or collective self-defense in the event of an armed attack.

2.1 Anticipatory Self-Defense

A central controversy in the 2026 conflict concerns the doctrine of anticipatory self-defense. This doctrine suggests that a state may use force to prevent an imminent armed attack even before the attack actually occurs. Although the United Nations Charter refers to self-defense only after an armed attack, some states argue that customary international law allows defensive action when the threat is immediate and unavoidable.

The classic formulation of anticipatory self-defense is derived from the Caroline incident of 1837. In that case, diplomatic correspondence between the United States and the United Kingdom established that self-defense may be justified when the necessity is instant, overwhelming, and leaving no choice of means and no moment for deliberation.

2.2 Collective Self-Defense

The doctrine of collective self-defense allows states to assist another state that has been subjected to an armed attack. Article 51 of the United Nations Charter explicitly recognizes this right, provided that the defending state reports its actions to the Security Council. In practice, collective

self-defense has been invoked in various contexts, including military alliances and regional defense arrangements.

In the context of the 2026 conflict, supporters of the strikes argue that the United States acted in support of Israel due to perceived threats from Iran's missile programs and regional military influence. Critics, however, question whether the legal threshold for collective self-defense had been satisfied.

3. Iran's Legal Position

Iran has strongly rejected the legal justifications offered for the strikes and has characterized them as violations of international law. Iranian authorities argue that no armed attack had been launched prior to the operations and therefore the right of self-defense could not legally be invoked.

From this perspective, the strikes represent a breach of Article 2(4) of the United Nations Charter and constitute an unlawful use of force against a sovereign state. Iran further argues that anticipatory self-defense remains controversial and lacks universal recognition within international law.

4. International Humanitarian Law Considerations

Even when the use of force is considered lawful under jus ad bellum principles, the conduct of hostilities is governed by International Humanitarian Law. IHL seeks to limit the humanitarian consequences of armed conflict by protecting civilians and restricting the means and methods of warfare.

Three fundamental principles guide the application of humanitarian law: distinction, proportionality, and military necessity. The principle of distinction requires parties to distinguish between civilian populations and military targets. Proportionality prohibits attacks that would cause excessive civilian harm relative to the anticipated military advantage. Military necessity requires that force be used only for legitimate military objectives.

In the 2026 conflict, reports of strikes near populated areas and the targeting of strategic facilities have raised humanitarian concerns. International organizations and legal scholars have called for independent investigations to determine whether the operations complied with humanitarian law.

5. International Institutional Response

The escalation of hostilities prompted urgent discussions within international institutions. The United Nations Security Council convened emergency sessions to address the situation. However, political divisions among permanent members limited the Council's ability to adopt binding resolutions addressing the conflict.

Some scholars have suggested that legal disputes arising from the conflict could eventually be brought before the International Court of Justice. The Court has previously addressed issues involving the use of force and state responsibility, including cases such as *Nicaragua v United States* and *Oil Platforms (Iran v United States)*.

6. Conclusion

The 2026 confrontation involving Iran, Israel, and the United States represents a major test for the contemporary international legal order. Competing interpretations of anticipatory self-defense and collective security illustrate the continuing tension between national security interests and global legal norms.

The future development of international law will depend largely on how states and international institutions respond to such conflicts. Clarifying the limits of self-defense, strengthening multilateral mechanisms, and ensuring accountability for humanitarian violations remain essential for preserving the integrity of the international legal system.

Footnotes

1. United Nations Charter, 1945, Article 2(4).
2. United Nations Charter, 1945, Article 51.

3. The Caroline Incident (1837) diplomatic correspondence between the United States and the United Kingdom.
4. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States) ICJ Reports 1986.
5. Oil Platforms (Iran v United States) ICJ Reports 2003.
6. International Committee of the Red Cross, Customary International Humanitarian Law Study.

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