***Journal of Politic and Law* Volume: 18/ N°: 02 (2026), p.p240-246**

The Legal Implications of the US-Iran Conflict in the Light of International Law

الآثار القانونية للنزاع الأمريكي الإيراني في ضوء القانون الدولي

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Received: 17/05/2026 Accepted: 01/06/2026 Published:02/06/2026

Abstract :
The study addresses the legal implications of the US-Iranian conflict in light of the rules of public international law, with a focus on the legality of the use of force, the invocation of the right of self-defense, and international responsibility. It also examines the extent to which the rules of international humanitarian law apply to mutual military operations. Furthermore, the study seeks to analyze the positions of the United States of America and Iran in light of the United Nations Charter and the rulings of the International Court of Justice (ICJ). The study concluded that many of the practices carried out by both parties have raised new legal dilemmas regarding the extent of respect for the rules of international legality.
Keywords: *International Law, Use of Force, Self-Defense, International Responsibility, US-Iran Conflict, International Humanitarian Law.*

ملخص:
تتناول الدراسة الآثار القانونية للنزاع الأمريكي الإيراني في ضوء قواعد القانون الدولي العام مع التركيز على مشروعية إستخدام القوة وصدور حق الدفاع الشرعي والمسؤولية الدولية ، ومدى إنطباق قواعد القانون الدولي الإنساني على العمليات العسكرية المتبادلة ، كما تسعى الدراسة إلى تحليل مواقف الولايات المتحدة الأمريكية وإيران في ضوء ميثاق الأمم المتحدة وأحكام محكمة العدل الدولية .

وخلصت الدراسة إلى أن العديد من الممارسات التي صدرت عن الطرفين أثارت إشكالات قانونية جديدة تتعلق بمدى إحترام قواعد الشرعية الدولية .
كلمات مفتاحية:
القانون الدولي، إستخدام القوة ، الدفاع الشرعي، المسؤولية الدولية، النزاع الأمريكي الإيراني، القانون الدولي الإنساني .

I-Introduction:

Following the Iranian Revolution in 1979, US-Iranian relations have witnessed a consistent state of political, military, and legal tension. This has made this conflict one of the most complex international disputes in the contemporary international system. The manifestations of this conflict have varied, ranging from economic sanctions and indirect military operations to political maneuvers, culminating in mutual threats of the use of force(Al-Majzoub, 2020).

This conflict raises many legal issues related to the extent of compliance with the rules of international law, especially the rules prohibiting the use of force stipulated in the United Nations Charter, the invocation of the right of self-defense, and international responsibility. This is in addition to the extent to which the rules of international humanitarian law apply to mutual military operations(Shaw, 2017).

The importance of studying this topic is highlighted in light of the escalation of complex international conflicts where political and strategic considerations intersect with international legal provisions. This raises profound questions about the effectiveness of the international legal system in dealing with conflicts involving major powers.

I.1. Problem Statement:

To what extent did the USA and Iran adhere to the rules of international law during the management of the conflict between them, and what are the legal implications of this conflict in light of the rules governing the use of force, international responsibility, and international humanitarian law?

I.2. Study Hypotheses:

Many of the US and Iranian practices during the conflict represent a violation of the rules prohibiting the use of force stipulated in Article 2, Paragraph (4) of the United Nations Charter.

Both parties relied on the principle of self-defense to justify military operations; however, this justification raises a legal debate regarding the fulfillment of the conditions of necessity and proportionality.

The US-Iranian conflict has resulted in international responsibility for both parties due to the damages inflicted on maritime security and civilian and military installations.

The weak intervention of the Security Council reflects the limited effectiveness of the international legal system in conflicts involving major powers.

I.3.Study Methodology:

The study relied on the analytical and descriptive approaches, utilizing the comparative legal approach to analyze international legal texts and international judicial rulings related to the US-Iranian conflict.

II - The Legal Framework of the US-Iranian Conflict:

II.1.The Concept of International Conflict in International Law:

An international conflict is defined as a legal or political disagreement between two or more states over an issue related to interests, rights, or the interpretation of international legal rules. The International Court of Justice has affirmed that a dispute exists whenever there is a clear opposition of legal views between the parties (Alwan, 2019).

The US-Iranian conflict is classified as a complex international conflict, given the intersection of its military, political, economic, and nuclear dimensions (Crawford, 2019).

II.2. The Evolution of the US-Iranian Conflict:

Tension between the United States of America and Iran began after the success of the Iranian Revolution and the fall of the Shah's regime, which was supported by France and the US. US-Iranian relations deteriorated significantly following the taking of American hostages in Tehran. The International Court of Justice reviewed this case and affirmed Iran's responsibility for violating the diplomatic immunity stipulated in the 1961 Vienna Convention on Diplomatic Relations (Alwan, 2019).

Relations between the two countries have witnessed several stages of escalation, most notably:

- The Iran-Iraq War.
- The Iranian nuclear program crisis.
- US economic sanctions.
- The assassination of Qasem Soleimani in 2020.
- Tensions at sea in the Arabian Gulf(Cassese, 2005).

III-The Legality of the Use of Force in the US-Iranian Conflict

III.1. The Principle of the Prohibition of the Use of Force:

III.1.1 Self-Defense:

Article 51 of the UN Charter stipulates the right of states to individual or collective self-defense in the event of an armed attack. The United States invoked this right to justify some of its military operations against Iran, especially after accusing Tehran of supporting armed groups targeting US forces in the region. In contrast, Iran considered that US operations against its territory and military installations

constituted an act of aggression that entitled it to a military response. However, the application of the right of self-defense is subject to strict legal conditions, the most important of which are:

- The occurrence of an actual armed attack.
- The necessity of a military response.
- Proportionality between the attack and the defense(United Nations, 1945).

The International Court of Justice affirmed in the Oil Platforms case that the conditions for self-defense were not fully met in the US military operations (International Court of Justice, 2003).

III.2. Political Assassinations and the Principle of Sovereignty:

The assassination of the commander of the Iranian Quds Force, Qasem Soleimani, in 2020 sparked a widespread legal debate regarding the legality of political assassinations in international law. Many jurists considered the operation a violation of the principle of Iraqi sovereignty and the principle of the prohibition of the use of force, especially in the absence of authorization from the Security Council (O'Connell, 2020).

IV- International Responsibility Resulting from the Conflict

IV.1. The Concept of International Responsibility:

Responsibility arises when a state commits an internationally wrongful act that results in harm to another state or internationally protected persons. The conditions for establishing international responsibility are (International Law Commission, 2001):

- The existence of an act violating international law.
- The attribution of the act to a State.
- The occurrence of damage.

IV.2. US International Responsibility:

The responsibility of the United States is raised as a result of a number of actions, including:

- Targeting Iranian installations.
- Unilateral economic sanctions.
- Military operations outside the framework of a Security Council mandate.
- Violation of the principle of non-intervention.

A large number of researchers have considered that some US economic sanctions have humanitarian impacts that may conflict with the rules of international humanitarian law and human rights (Abu Al-Wafa, 2021).

IV.3. Iranian International Responsibility:

Iran can be held accountable for certain acts that have compromised maritime security and the freedom of international navigation, particularly the attacks attributed to it against oil tankers in the Gulf. The United States argued before the International Court of Justice that Iran violated the rules of freedom of commerce and international navigation.

V- The US-Iranian Conflict and International Humanitarian Law

V.1. The Applicability of the Rules of International Humanitarian Law:

When a conflict turns into a direct armed confrontation, the rules of international humanitarian law become applicable, especially the four Geneva Conventions of 1949 and the two Additional Protocols of 1977 (Geneva Conventions, 1949). The most important principles include:

- The principle of distinction between civilians and combatants.
- The prohibition of indiscriminate attacks.
- The protection of civilian objects.

V.2. Potential Violations of International Humanitarian Law:

Some mutual military operations have raised questions about the extent of respect for the rules of international humanitarian law, particularly concerning the targeting of civilian installations or civilian casualties. A debate has also emerged regarding the possibility of classifying some acts as war crimes or crimes of aggression under the Rome Statute of the International Criminal Court (United Nations, 1998).

VI- The Role of International Judiciary and Organizations in Settling the Conflict

VI.1. The Role of the International Court of Justice (ICJ):

The International Court of Justice has played an important role in the US-Iranian conflict through a number of cases, most notably:

United States Diplomatic and Consular Staff in Tehran (Hostages case).

1) The Oil Platforms case.
2) Disputes related to economic sanctions.

These judgments have contributed to interpreting the rules regarding the use of force, self-defense, and the protection of diplomatic missions.

VI.2. The Role of the Security Council:

Although the Security Council bears the primary responsibility for the maintenance of international peace and security, its role has remained limited in the US-Iranian conflict due to conflicting international interests and the use of the veto. This reflects a structural crisis in the international collective security system (Abdul Hamid, 2017).

VII-Study Results:

The study reached a set of results, most notably:

1) The US-Iranian conflict revealed a real crisis in the application of the rules of international law.
2) Both parties resorted to an expansive interpretation of the right of self-defense, which sometimes exceeded the traditional boundaries established by the UN Charter.
3) The study demonstrated the limited effectiveness of the Security Council in conflicts involving major powers.
4) Mutual military operations raised serious questions about the respect for the rules of international humanitarian law.
5) The rulings of the International Court of Justice contributed to clarifying some legal aspects of the conflict, but they remained limited in terms of practical implementation.

VIII-Recommendations:

- The necessity of strengthening the role of the United Nations in preventing military escalation.
- Activating mechanisms for the peaceful settlement of international disputes.
- Enhancing the independence of the international judiciary.
- Limiting the political use of economic sanctions.

IX-Conclusion:

It is clear from the study that the US-Iranian conflict represents a complex model for testing the effectiveness of international law in facing contemporary international conflicts. Despite the existence of clear legal rules prohibiting the use of force and obligating states to respect the principles of sovereignty and non-intervention, the practical application of these rules remains dependent on the balance of power and political considerations.

In light of the limited role of international institutions, enhancing respect for the rules of international law remains contingent upon reforming the mechanisms for implementing international legality and activating the role of the international judiciary in a more independent and effective manner.

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