



The Problematics of Iran's Retaliatory Attack on Israel: Evaluation of the Principles of Necessity and Proportionality Based on Article 51 of the UN Charter.

Problematika Serangan Balasan Iran terhadap Israel: Evaluasi Prinsip *Necessity* dan *Proportionality* Berdasarkan Pasal 51 Piagam PBB

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ABSTRACT

This research analyses the legitimacy of the Islamic Republic of Iran's retaliatory strike against Israel on 1 April 2024 in the context of Article 51 of the United Nations Charter, focusing on the application of the principles of necessity and proportionality in international law. The research method used is descriptive-analytical with a normative approach, where international legal norms and the doctrine of self-defence are analysed to assess the validity of Iran's actions. The results of the analysis show that the claim of self-defence by Iran raises doubts, especially in relation to the principle of necessity, given the 11-day time lag between Israel's initial attack and Iran's retaliation, which may not fully meet the immediacy standard. In addition, the scale of Iran's counter-attack, which involved over 300 drones and missiles, appears disproportionate to the threat faced, raising questions regarding compliance with the principle of proportionality. The implications of these findings point to the need for further affirmation of international legal standards regarding self-defence and an enhanced role for the UN Security Council in overseeing such actions to maintain international peace and security.

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1. Introduction

The United Nations (UN) is an international organisation that was established in response to the devastating effects of World War II and the failure of the League of Nations to prevent global conflicts after World War I.^{1,2} The UN Charter, which is the legal foundation of the UN, regulates various provisions regarding international relations with the main objective of creating world peace and harmonious international cooperation.³ One of the principles set out in the UN Charter is the prohibition of the use of force in interstate relations, except in certain circumstances set out in Article 51.⁴

Article 51 of the UN Charter recognises the right of states to self-defence, either individually or collectively, in the event of an armed attack against them.⁵ This right applies until the UN Security Council takes the necessary measures to maintain international peace and security. However, the implementation of Article 51 is often the subject of debate, especially in the modern context where armed conflicts often involve non-state actors and the use of sophisticated military technology. The conflict between the Islamic Republic of Iran and Israel in the Middle East is one of the most complex and relevant issues in this context. On 1 April 2024, Israel launched airstrikes against Iranian diplomatic facilities in Syria, which triggered a retaliatory strike by Iran on 12 April 2024.⁶ Iran claimed that

¹ Tutkey Serin Prisilia, “Peran Perserikatan Bangsa-bangsa Dalam Penanganan Kasus Kejahatan Genosida Menurut Hukum Internasional,” *Lex Administratum* IX, no. 6 (2021): 25–34.

² Nur Paikah, “Hukum Internasional untuk Kemanusiaan; Telaah Penyelesaian Persengketaan Dalam Hukum Konvensional Dan Hukum Islam,” *Al-Adalah: Jurnal Hukum dan Politik Islam* 8, no. 1 (2023): 97–108, <https://doi.org/10.30863/ajmpi.v8i1.3779>.

³ Sayyidul Mubin dan Risky Moehamad Adha, “Upaya Perserikatan Bangsa-Bangsa (Pbb) Sebagai Organisasi Internasional Dalam Menengahi Konflik Rusia Dan Ukraina Pada Tahun 2022,” *Jurnal Pena Wimaya* 2, no. 2 (2022), <https://doi.org/10.31315/jpw.v2i2.7607>.

⁴ V Georgiev, “International law and support for Ukraine – between ‘responsibility to protect’ obligation and collective self-defense right,” *Politics & Security* 6, no. 1 (2022): 14–23, <https://doi.org/10.5281/zenodo.6618814>.

⁵ Tita Nadira, Nuswantoro Dwiwarno, dan Joko Setiyono, “Analisis Yuridis Serangan Amerika Serikat Dengan Pesawat Tanpa Awak Bersenjata Terhadap Komandan Pasukan Quds Korps Garda Revolusi Islam Iran Di Baghdad Irak Menurut Hukum Internasional,” *Diponegoro Law Journal* 10, no. 2 (2021): 519–44.

⁶ BBC, “‘Semua mata tertuju ke Israel pascaserangan Iran’, akankah terjadi perang besar-besaran di Timur Tengah?,” BBC News Indonesia, n.d., <https://www.bbc.com/indonesia/articles/c19der78ggwo>.

this retaliatory strike was a legitimate act of self-defence under Article 51 of the UN Charter.⁷ However, Iran's actions drew mixed reactions from the international community, most of which considered them disproportionate and potentially exacerbating tensions in the region.⁸

Research on the implementation of Article 51 of the UN Charter has been widely conducted, especially in the context of armed conflicts involving sovereign states. Sofyyan et al (2023) in their work *Legalitas Penggunaan Senjata Space Based Missile Interceptor Untuk Upaya Self Defense (Suatu Kajian Dalam Perspektif Piagam PBB Dan Outer Space Treaty 1967)* discuss the use of Article 51 in the context of self-defence using space technology, specifically related to the legality of using space-based missile interceptor weapons as a legitimate self-defence effort under international law. Meanwhile, Georgiev's research (2022) entitled *International law and support for Ukraine - between "responsibility to protect" obligation and collective self-defence right* explores the application of Article 51 in the context of the right of collective self-defence to protect a sovereign state from aggression, as happened in the case of Ukraine.⁹

On the other hand, Shah (2008) in *Self Defence in Islamic and International Law* provides a broader perspective by comparing the principles of *self-defence* in international law and Islamic law. He points out that, despite differences in application, both legal systems emphasise the use of force limited by certain strict conditions.¹⁰

Previous studies have made significant contributions to the understanding of Article 51, but some have fallen short in addressing specific aspects such as the application of the principles of *necessity* and *proportionality* in specific cases involving states with complex conflict backgrounds such as Iran and Israel. This research seeks to fill that gap by focusing

⁷ Jayanti retno Mandasari, "Iran Klaim Serangan ke Israel sebagai Langkah Defensif," <https://www.rri.co.id/>, 2024.

⁸ Thea Fathanah Arbar, "Reaksi Dunia Iran Tembak 300 Rudal ke Israel, AS-China, Arab-Rusia," <https://www.cnbcindonesia.com/>, 2024.

⁹ Georgiev, "International law and support for Ukraine – between 'responsibility to protect' obligation and collective self-defense right."

¹⁰ Niaz A. Shah, "Self-defense in Islamic and International Law," in *Self-defense in Islamic and International Law*, 2008, 163–72, https://doi.org/10.1057/9780230611658_6.

on the juridical analysis of the Islamic Republic of Iran's retaliatory strike against Israel on 1 April 2024.

This study aims to analyse the legitimacy of the Islamic Republic of Iran's retaliatory strike against Israel on 1 April 2024 under Article 51 of the UN Charter, focusing on the application of the principles of *proportionality* and *necessity*. Through this study, it is hoped to make an additional contribution to the discussion regarding the application of Article 51 in the modern era, where significant changes in military technology and global political dynamics must be harmonised with the fundamental principles of international law that remain the main guide in interstate relations. This research is focussed on answering two main questions: (i) Can Iran's retaliatory strike against Israel on 1 April 2024 be considered lawful under international law under Article 51 of the UN Charter? and (ii) How do the principles of *proportionality* and *necessity* apply in the context of such a strike? By evaluating these two aspects, this research seeks to provide greater insight into the use of force in international law and how the application of these principles can help maintain world peace.

2. Research Method

This research uses an analytical descriptive method with a normative approach. The analytical descriptive method is used to describe legal phenomena relating to the Islamic Republic of Iran's counter-attack against Israel on 1 April 2024, as well as to analyse the application of Article 51 of the UN Charter in that context. The normative approach in this research is conducted by examining relevant legal norms, namely the provisions in Article 51 of the UN Charter, as well as international legal doctrine on *self-defence*. This normative research involves the analysis of various legal sources which include: Primary legal sources: including the UN Charter, decisions of the International Court of Justice (ICJ), and relevant international treaties. Secondary legal sources: including legal literature, scholarly journals, and opinions of international law experts relating to the topic of this research. Tertiary legal sources: legal encyclopaedias, legal dictionaries, and other supporting references.

The data collection process was conducted through a desk study by identifying and reviewing relevant legal documents, court judgements, and scholarly publications. The analysis was conducted by interpreting the existing legal norms and applying them to the

case of Iran's retaliatory strike against Israel. In this analysis, the research focuses on the application of the principles of necessity and proportionality in the context of *self-defence* under Article 51 of the UN Charter. In addition, the research also considers the international law perspective on the legitimacy of self-defence by states involved in armed conflict.

3. Results and Discussion

3.1. Perspective of the Self Defence Principle in International Law

The principle of *self-defence* is one of the main pillars in international law that governs the actions of states in defending themselves from armed attacks.¹¹ The UN Charter, particularly Article 51, provides the legal basis that gives states the legitimacy to protect themselves from real and imminent military threats.¹² This principle serves as an exception to the prohibition on the use of force in international relations,¹³ set out in Article 2(4) of the UN Charter.¹⁴

Before the UN Charter was adopted in 1945, the concept of *self-defence* was already known in international law, albeit with a more limited interpretation. The doctrine of *self-defence* has its roots in the law of war which allows states to use force in situations where they are faced with a direct threat. The evolution of this principle was influenced by the

¹¹ Shubhan Shodiq, "Women and Terrorism; Analysis of the Repatriation Policy for the Wives and Children of Former Indonesian Citizens from ISIS," *Constitutional Law Review* 2, no. 2 (2 Agustus 2024): 129–46, <https://doi.org/10.30863/clr.v2i2.5594>.

¹² Finahliyah Hasan, "Analisis Kebijakan Pre-Emptive Self Defence George W. Bush, Jr. Terhadap Afghanistan," *Jurnal Hubungan Internasional Departemen Ilmu Hubungan Internasional Universitas Hasanuddin* 4, no. 1 (2019): 1–18.

¹³ Arman Surya nicolas Marbun, Agus Pramono, dan Kabul Supriyadhie, "Analisis Yuridis Penggunaan Pesawat Tanpa Awak Sebagai Alat Utama Pensenjataan Ditinjau Dari Hukum Internasional (Studi Kasus Penggunaan Drone Oleh Amerika Serikat Di Pakistan)," *Diponegoro Law Journal* 5, no. 4 (2016): 1–12, https://www.academia.edu/34113996/EKSISTENSI_HUKUM_KONTRAK_INNOMINAT_DALAM_RANAH_BISNIS_DI_INDONESIA.

¹⁴ Article 2(4) of the UN Charter states that: all members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations.)

development of various international treaties and jurisprudence that reflected the dynamics of interstate relations and changes in military technology.¹⁵

Article 51 of the UN Charter explicitly recognises the right of states to take individual or collective measures of *self-defence* in the event of an armed attack. However, this right is limited by the obligation to immediately report such actions to the UN Security Council and to submit to the authority of the Security Council in taking measures necessary to maintain international peace and security.¹⁶

Although Article 51 does not specify the requirements of *self-defence*, international law doctrine and the jurisprudence of the International Court of Justice (ICJ) have developed some key criteria. The two main principles that are widely recognised are necessity and proportionality. These principles must be met for an act of *self-defence* to be considered lawful under international law.¹⁷

The principle of necessity demands that *self-defence* measures can only be taken if there are no other alternatives available to stop or prevent an armed attack. In other words, the state that is the target of the attack must demonstrate that peaceful means are ineffective or not feasible in the particular situation. Necessity also requires that *self-defence* measures be taken immediately after an attack occurs or when the threat is real and unavoidable.¹⁸

The principle of proportionality requires that the act of *self-defence* should be proportional to the threat faced. This means that the force used should not exceed what is necessary to neutralise the threat.¹⁹ Excessive or disproportionate use of force can turn an act of *self-defence* into an act of aggression, which violates international law.

The International Court of Justice (ICJ) has played an important role in interpreting and applying the principle of self-defence. Several landmark ICJ rulings, such as in

¹⁵ Raphaël van Steenberghe, "State practice and the evolution of the law of self-defence: clarifying the methodological debate," *Journal on the Use of Force and International Law* 2, no. 1 (2015): 81–96, <https://doi.org/10.1080/20531702.2015.1043096>.

¹⁶ van Steenberghe.

¹⁷ Christopher Greenwood, "Self-Defence," *Max Planck Encyclopedia of Public International Law [MPEPIL]*, 2011, 148–49.

¹⁸ Greenwood.

¹⁹ V. Upeniece, "Conditions for the lawful exercise of the right of self-defence in international law," *SHS Web of Conferences* 40 (2018): 01008, <https://doi.org/10.1051/shsconf/20184001008>.

Nicaragua v. United States (1986), have set the standard that self-defence measures must meet the criteria of *necessity* and *proportionality*.²⁰ The ICJ also affirmed that self-defence should not be used as an excuse for retaliation or acts of aggression.

Although the principle of self-defence is widely recognised, its application is often the subject of criticism, especially in situations where the line between self-defence and aggression is blurred. Some critics argue that large states often use the concept of self-defence to legitimise aggressive military action on the grounds of preemptive strikes.²¹ This criticism reflects concerns that the principle of self-defence can be abused if not strictly regulated.

One controversial issue in international law is the concept of anticipatory self-defence,²² whereby states take military action before an actual attack occurs, but when the threat is considered imminent and inevitable. Although not explicitly recognised in Article 51, some states have adopted this approach as part of their military doctrine, as seen in the Bush doctrine following the 11 September 2001 attacks.²³

The development of modern conflicts, particularly with the increasing threat from terrorist groups and other non-state actors, has added a new dimension to the application of the principle of self-defence. States now face challenges in interpreting and applying Article 51 to attacks by non-state actors, as in the case of the 9/11 attacks and the US invasion of Afghanistan.

Asymmetric conflicts, where one party is a state with a strong military and the other party is a non-state armed group, pose unique challenges in the application of the principle of self-defence. In this context, states often have to balance between the need to defend

²⁰ Greenwood, "Self-Defence."

²¹ Nicholas Tsagourias, "Self-defence against non-state actors: The interaction between self-defence as a primary rule and self-defence as a secondary rule," *Leiden Journal of International Law* 29, no. 3 (2016): 801–25, <https://doi.org/10.1017/S0922156516000327>.

²² Abdul Ghafur Hamid, "The legality of anticipatory self-defence in the 21st century world order: A re-appraisal," *Netherlands International Law Review* 54, no. 3 (2007): 441–90, <https://doi.org/10.1017/S0165070X0700441X>.

²³ Natalino Ronzitti, "The expanding law of self-defence," *Journal of Conflict and Security Law* 11, no. 3 (2006): 343–59, <https://doi.org/10.1093/jcs1/krl021>.

themselves and the obligation to minimise civilian losses and property damage, which are part of international humanitarian law obligations.

Another issue often associated with the principle of self-defence is the concept of humanitarian intervention, where a state or coalition of states takes military action to protect a population from massive human rights violations. Although theoretically distinct, in practice, self-defence is often used as an excuse for interventions aimed at protecting humanitarian interests.²⁴

The UN Security Council has an important role in overseeing and regulating the use of self-defence by member states. Article 51 requires a state exercising self-defence to immediately report its actions to the Security Council. This gives the Security Council the authority to assess and, if necessary, take further action to maintain international peace and security. However, the effectiveness of the Security Council's role is often compromised by political differences among its members, especially those with veto power.

In the context of Iran's retaliatory strike against Israel on 1 April 2024, the application of the principle of self-defence becomes a highly relevant issue. Iran claimed that its actions were legitimate under Article 51 of the UN Charter, but there was debate as to whether the attack met the criteria of *necessity* and *proportionality*. This case analysis provides insight into how principles of international law are applied in complex and high-stakes situations.

The principle of self-defence remains one of the key elements in international law, but challenges in its application continue to evolve. With the growing complexity of global threats, including from non-state actors and new military technologies, the international community needs to continuously review and possibly update these principles to remain relevant and effective in maintaining international peace and security. Case studies such as Iran's retaliatory strike against Israel demonstrate the need for a more comprehensive and systematic approach in assessing acts of self-defence under international law.

²⁴ Amos N. Guiora, "Anticipatory self-defence and international law - A re-evaluation," *Journal of Conflict and Security Law* 13, no. 1 (2008): 3–24, <https://doi.org/10.1093/jcsl/krn017>.

2.2. Analysis of the Application of Self-Defence by the Islamic Republic of Iran in the Conflict with Israel Under Article 51 of the UN Charter

On 1 April 2024, Israel launched an airstrike on the Islamic Republic of Iran's diplomatic facilities in Damascus, Syria, resulting in the deaths of seven Iranian Revolutionary Guard (IRGC) members. This attack triggered a reaction from Iran, which on 12 April 2024 launched a retaliatory strike against Israel by launching more than 300 drones and missiles into Israeli territory.²⁵ Iran claimed that this action was a legitimate form of self-defence under Article 51 of the UN Charter.²⁶

Iran claims that the retaliatory strike was an act of self-defence recognised in international law. Under Article 51 of the UN Charter, Iran is entitled to self-defence after an armed attack is carried out against it. This claim is based on the argument that Israel's actions constitute a direct threat to Iran's sovereignty and national security, which requires an immediate response to protect the country's interests.

To assess whether Iran's actions fulfil the principle of *necessity*, it is important to consider whether the countermeasures are the only way to prevent further threats from Israel. In this case, Iran argued that there was no other alternative available other than using military force to respond to Israel's attack, as diplomatic measures and dialogue were deemed ineffective given the long-standing tensions between the two countries. *Necessity* also requires immediacy. The counterattack by Iran took place 11 days after the initial attack by Israel. Despite the delay, Iran claims that the action still complied with the principle of immediacy as the threat from Israel was deemed to still exist and be urgent. However, in the context of international law, the time lag between the initial attack and the retaliation is often a point of contention regarding the validity of self-defence.²⁷

²⁵ Alia Rahmatulummah, Sekar Anugrah Resky Suhayatmi, "Eskalasi Konflik Iran-Israel di Damaskus: Implikasi terhadap Stabilitas Keamanan Regional dan Global," *Jurnal Hubungan Luar Negeri Kementerian Luar Negeri Indonesia* 9, no. 1 (2024).

²⁶ Meilani Teniwut, "Iran Klaim Serangan ke Israel Sesuai Pasal 51 Piagam PBB," mediaindonesia.com, 2024.

²⁷ Greenwood, "Self-Defence."

The principle of *proportionality* demands that the force used in self-defence should be proportional to the threat faced.²⁸ In this case, Iran launched more than 300 drones and missiles, including ballistic and cruise missiles. Meanwhile, Israel's previous attack targeted only one diplomatic facility. An evaluation of the scale of these strikes suggests that Iran's actions may have exceeded the limits of *proportionality* prescribed by international law, despite Iran's argument that the strikes were necessary to neutralise a significant threat.

The geographical distance between Iran and Israel is also an important factor in assessing *proportionality*. With a distance of more than 1,000km separating the two countries, the Iranian attack required the launch of long-range missiles and drones that travelled across several other countries.²⁹ While this increases the logistical complexity, from a legal perspective, this distance does not directly affect the assessment of *proportionality* but adds an additional dimension to the discussion of the legality of the action. According to reports from the Israel Defence Forces (IDF), the Iranian attack inflicted minimal damage to Israeli military infrastructure and caused some minor injuries.³⁰ From a *proportionality* standpoint, this damage may seem comparable to Israel's initial attack, but questions remain as to whether the amount and type of force used by Iran was excessive compared to the threat faced.

One of the criteria in assessing the validity of self-defence is whether the action is taken to stop an ongoing attack or prevent further attacks. Iran stated that the main purpose of the retaliatory strike was to prevent Israel from carrying out additional attacks in the future.³¹ However, given the limited nature of the damage inflicted, there is a question as to whether such an objective can be achieved through more limited measures.

Iran's retaliatory strike drew mixed reactions from the international community. While some countries expressed support for Iran's right to self-defence, many others,

²⁸ Greenwood.

²⁹ Riska Alifia El-Shidiq, "Kemajuan Nuklir Iran Semakin Pesat di Tengah Konflik Iran dan Israel, Siapakah yang Terkuat?," *LINO: Jurnal Ilmu Hubungan Internasional* 2, no. 1 (2021): 12–17.

³⁰ Irawan Sapto Adhi, "Dampak Terkini Serangan Iran ke Israel , Rusak Pangkalan Militer," *kompas.com*, 2024.

³¹ Deutsche Welle, "Iran Usai Gempur Israel : Jika Dibalas , Serangan Kami Akan Lebih Besar !," *detikNews.com*, 2024.

including Israel's allies, denounced the action as disproportionate and risked exacerbating regional tensions. These responses show that interpretations of Article 51 of the UN Charter can vary widely depending on each country's political and strategic perspective.

The long-standing regional conflict between Iran and Israel provides a broader context for the assessment of self-defence measures. The tense relationship and history of hostility between the two countries means that any military action by either side has wider implications. This also complicates objective assessments of *proportionality* and *necessity*, as each action is often seen within the framework of the wider conflict.

Assessing *proportionality* in situations where the conflict has been long-running and involves many back-and-forth attacks becomes very complex. In this context, each action can be viewed as part of a long series of attacks and retaliations, so assessing *proportionality* based on just one incident may not be sufficiently fair or accurate.

Article 51 of the UN Charter requires a state exercising self-defence to report its actions to the UN Security Council. Iran claims to have notified neighbouring countries before carrying out the attack, but there has been no clear report of formal communication with the Security Council. The role of the Security Council in this case is important as they have the authority to assess the legitimacy of the act of self-defence and, if necessary, take action to prevent further escalation.

If the case is brought before the International Court of Justice, the court will likely review Iran's actions under the criteria of *necessity* and proportionality, as well as taking into account the regional context and history of conflict between the two countries. Previous ICJ rulings in similar cases suggest that the main emphasis will be on whether Iran's actions were strictly necessary to protect its national interests and whether they were proportionate to the threat faced.

This incident provides an important lesson for the development of international law on self-defence. If Iran's actions are deemed legitimate, it could broaden the interpretation of Article 51, allowing the use of military force in a wider context. Conversely, if these actions are deemed to violate international law, it could tighten the restrictions on self-defence and reaffirm the importance of *necessity* and proportionality.

Iran's application of self-defence in this case demonstrates the challenges states face in navigating the boundaries of international law in the midst of complex conflicts. To strengthen the rule of international law, clearer and more universally accepted standards on the criteria of *necessity* and proportionality are needed. The case also highlights the need for a more proactive role of the UN Security Council in monitoring and assessing acts of self-defence to ensure that the use of force remains within legitimate limits.

3.3. Evaluation of the Application of the Principles of *Necessity* and Proportionality in the Islamic Republic of Iran's Retaliatory Attack on Israel Under Article 51 of the UN Charter

The principles of *necessity* and proportionality are the two main pillars of international law that determine the validity of self-defence. *Necessity* requires that self-defence measures are only taken if there is no other alternative that can stop the attack or threat, while *proportionality* ensures that the force used does not exceed what is necessary to address the threat. The application of these two principles is crucial in assessing whether Iran's retaliatory action against Israel on 1 April 2024 complies with the provisions of Article 51 of the UN Charter.

In this case, Iran argued that the retaliatory strike launched on 12 April 2024 was a necessary measure to prevent further threats from Israel. Iran claimed that Israel's initial attack on diplomatic facilities in Damascus was a serious threat to its sovereignty and national security. Given the long-standing tensions between the two countries and the risk of further escalation, Iran judged that there was no other effective option than to respond with military force. However, an assessment of *necessity* must also consider whether diplomatic or other non-military measures are truly infeasible before the use of military force.

Necessity is also closely related to the principle of immediacy, which is the need to act immediately after an attack occurs. In this case, there was an 11-day gap between the Israeli attack and Iran's response, which raises questions regarding compliance with the immediacy principle. Iran argued that the threat from Israel was still present and urgent, despite the delay in response. However, in the judgement of international law, this delay

could be taken as an indication that countermeasures may not have been strictly necessary at the time, given the time that had passed.

Proportionality demands that the act of self-defence should be proportional to the initial attack received. In this case, Iran launched more than 300 drones and missiles into Israeli territory, which far exceeded the scale of Israel's initial attack on a single diplomatic facility. The sheer scale of this retaliatory strike raises serious questions as to whether the action was proportionate to the threat faced, or whether Iran used excessive force beyond what was necessary for self-defence.

The geographical distance between Iran and Israel is also an important element in assessing proportionality. To launch this attack, Iran had to send long-range drones and missiles across the airspace of several other countries. While this adds complexity to the execution of the attack, this distance does not directly affect the legal judgement of *proportionality* but indicates the logistical and strategic challenges that might influence the decision to use force on such a large scale.

Reports from the Israel Defence Forces indicate that the Iranian strikes caused minimal damage to military infrastructure and injured some civilians. From a proportionality standpoint, although the damage caused was relatively minor, the scale of force used by Iran may still be considered excessive. Greater damage may have been avoided due to Israel's success in intercepting many of the missiles and drones launched by Iran, which raises questions about Iran's intentions in launching such a large attack.

One important aspect in assessing proportionality is the purpose of the act of self-defence. Iran stated that these retaliatory strikes were aimed at stopping the threat from Israel and preventing further attacks. However, given the scale of the attack and the relatively limited results, there is a question as to whether the objective could have been achieved with more limited measures. If the primary objective is deterrence, a more selective and limited use of force may be more in line with the principle of *proportionality*.

The ongoing tensions between Iran and Israel provide additional context that must be considered in any assessment of *proportionality*. The long-standing hostile relationship between the two countries adds a dimension of complexity to any military action. Any

countermeasures by either side are often seen as part of a larger, ongoing conflict, which makes proportionality assessments more challenging and requires a more comprehensive analysis.

Iran's retaliation against Israel attracted widespread attention from the international community. Many countries condemned this attack as disproportionate, while others recognised Iran's right to defend itself. This variation in international reactions shows that judgements on proportionality are often influenced by political perspectives and strategic interests, making the application of this principle in international law a subject of ongoing debate.

The International Court of Justice (ICJ) has set important precedents in assessing proportionality in previous cases. If the case goes to the ICJ, the court will likely review whether Iran's actions were truly proportionate to Israel's initial attack and whether they were necessary to achieve the objective of self-defence. Previous ICJ rulings indicate that excessive and disproportionate use of force cannot be justified under Article 51.

Reviewing similar cases where the principle of *proportionality* was applied may provide additional insight in this assessment. For example, in *Nicaragua v. United States* (1986), the ICJ stressed the importance of *proportionality* in self-defence measures. Comparing Iran's actions with previous cases can help clarify whether these actions conform to established norms in international law.

The decision to launch large-scale retaliatory strikes has far-reaching implications in international law. If Iran's actions are deemed to violate the principle of *proportionality*, it could reinforce the view that Article 51 should be applied more strictly to prevent abuse of the concept of self-defence. Conversely, if these actions are deemed legitimate, it could open the door to a broader interpretation of the right to use military force under Article 51.

The UN Security Council has the responsibility to assess and oversee self-defence measures taken by member states. In this case, although Iran claims to have notified neighbouring countries before launching the attack, there is no clear report of formal communication with the Security Council. The role of the Security Council in assessing

these actions is crucial to ensure that the principles of *proportionality* and *necessity* are adhered to.

Critics of Iran's actions argue that the scale of the retaliatory strike was not in line with the threat faced and that the action reflected more of an intention to exacerbate tensions than to defend itself. They also point out that the principle of *necessity* may not have been fully satisfied given the time spent before the attack was launched and non-military options that may not have been fully explored. The application of the principles of *necessity* and *proportionality* in this case demonstrates the challenges faced by states in navigating the boundaries of international law when engaged in armed conflict.

4. Conclusion

This study evaluates the legitimacy of the Islamic Republic of Iran's retaliatory strike against Israel on 1 April 2024 under Article 51 of the UN Charter, focusing on the application of the principles of *necessity* and *proportionality*. The analysis shows that although Iran claims its actions as a form of self-defence, there are doubts regarding compliance with the *necessity* principle given the 11-day time lag between Israel's initial attack and Iran's retaliation, which may not fully meet the immediacy standard. In addition, the scale of Iran's counter-attack, which involved the launch of more than 300 drones and missiles, appears to go beyond the bounds of *proportionality* required by international law, raising questions about the legitimacy of the action. The implications of this case show that the application of Article 51 in the modern context requires a more cautious interpretation, especially in complex conflicts such as between Iran and Israel. Further strengthening and clarification of the *necessity* and *proportionality* standards in international law is needed to prevent abuse and ensure that military action remains within a legitimate framework. In addition, the role of the UN Security Council needs to be enhanced to oversee and assess self-defence measures in order to effectively maintain international peace and security.

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