

ISRAELI-IRANIAN MISSILE TERRITORIAL VIOLATIONS IN THE AIRSPACE OF SYRIA: A REVIEW OF INTERNATIONAL LAW

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Abstract

The armed conflict between Israel and Iran, involving cross-border missile launches through Syrian airspace, presents complex challenges under international law. This study analyzes the legal implications of such violations, focusing on state sovereignty, state responsibility, and the justification of force under Article 51 of the UN Charter. Using a normative juridical method, the research evaluates the effectiveness of international legal instruments such as the UN Charter, the 1944 Chicago Convention, and the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) 2001 in addressing modern aerial threats involving third-party states. The findings reveal a legal vacuum regarding the regulation of long-range missiles and armed drones, often exploited by powerful states to avoid accountability. Syria, a neutral state in the Israel-Iran conflict, has suffered civilian casualties and sovereignty violations without effective international legal remedies. Furthermore, the self-defense justifications put forward by both Israel and Iran fail to meet the criteria of necessity and proportionality and infringe upon the principle of non-intervention. The weak response from the international community exacerbated by the UN Security Council's inaction and ICAO's limited mandate underscores the urgent need for legal reform. This study advocates for the enhancement of international institutional mandates, the development of additional protocols on aerial warfare, and the ratification of ARSIWA to strengthen legal accountability and protect third-state airspace in armed conflict.

Keywords: Airspace, Sovereignty, Responsibility.

I. INTRODUCTION

Conflicts in the Middle East, particularly between Israel and Iran, have escalated in the form of cross-border missile strikes that pass through the airspace of third countries such as Syria.¹ This event raises complex legal issues related to state sovereignty, state responsibility, and the application of the principles of international

¹ "Escalate to De-Escalate? What Options Does Iran Have to End Israel War? | Israel-Iran Conflict News | Al Jazeera," accessed June 21, 2025, <https://www.aljazeera.com/news/2025/6/19/escalate-deescalate-what-options-iran-end-israel-war>.

humanitarian law and international air law. Syria as a country whose airspace is used illegally by third parties is in a vulnerable position, both politically, security, and legally.

Historically, air conflicts and violations of third country territory have been recurring issues in the dynamics of international relations, but the recent escalation between Israel and Iran shows an increasingly complex pattern. Cross-border attacks are not only carried out openly, but are also often accompanied by unilateral legal justifications. In this context, Syrian airspace has become a theater of conflict involving two regional powers, in the absence of adequate legal protection from the international community. This situation demands a further understanding of the principles of air sovereignty and the right of neutrality of third states in armed conflict. Not only does it have an impact on military and diplomatic aspects, but it also has the potential to cause civilian casualties and disrupt the stability of international air transportation². Given that Syrian airspace is still used by international civil aviation, legal uncertainty and the threat from military projectiles are urgent issues that must be addressed. In addition, the use of military technologies such as armed drones and high-precision missiles/missiles has expanded the field of air conflict, which has not yet been regulated in detail in the existing international air law toolkit³.

With the increasing incidence of air traffic violations by powerful countries, there is an urgent need to re-evaluate the effectiveness of current international legal instruments. This study seeks to explore the normative loopholes that allow violations to occur, as well as to examine whether the principles contained in the UN Charter and aviation conventions are still relevant and able to respond to new challenges in terms of military and geopolitical tactics. This study is expected to contribute to academic discourse and policy in order to create a legal framework that is adaptive to future air threats.

International law has expressly governed the principle of state sovereignty including airspace sovereignty through the UN Charter⁴ Article 2(4), the 1944 Chicago Convention⁵, and other legal instruments. However, developments in military technology, particularly the use of long-range missiles and unmanned aerial vehicles (*drones*), have created new legal loopholes and challenges for air law enforcement. The

² Jorry Soleman Koloay, "Civil-Military Cooperation in Strengthening the National Airspace Security System," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)*, vol. 5, 2022.

³ "Drones: The Unregulated and Ungoverned Killing Machines - Syracuse Journal of International Law and Commerce," accessed June 21, 2025, <https://jilc.syr.edu/2023/09/25/drones-the-unregulated-and-ungoverned-killing-machines/>.

⁴ United Nations, "United Nations Charter (Full Text) | United Nations," accessed June 21, 2025, <https://www.un.org/en/about-us/un-charter/full-text>.

⁵ "II Convention on International Civil Aviation," n.d., accessed June 21, 2025.

Israel-Iran conflict, which often targets military and logistical targets through Syrian airspace, shows a violation of the principle of non-intervention and poses risks to civil aviation, regional stability, and the integrity of the international legal system.

II. RESEARCH METHOD

This research uses a normative juridical method⁶ that focuses on the study of international positive legal norms. The approach used is a statute *approach* and a *case approach* with an in-depth literature study of international legal documents, international court rulings, Scopus indexed scientific articles, and official reports of international institutions. Primary legal sources include the UN Charter, the 1944 Chicago Convention, the Geneva Conventions, the Rome Statute, and the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) 2001. Secondary sources include books, academic journals, and reports from the ICRC, ICAO, and UNHRC. Articles from credible media such as the BBC, Reuters, Al Jazeera are also used as supporting sources for factual context. The analysis was carried out in a descriptive-analytical manner, by comparing the applicable legal norms with state practices in the case of the Israel-Iran conflict through Syrian airspace. This research is not empirical in nature, but rather aims to develop normative ideas about state accountability and legal protection of third countries' airspace in armed conflict.

III. ANALYSIS AND DISCUSSION

International Legal Framework and Syrian Airspace Violation Cases

The principle of state sovereignty is a fundamental norm in international law as affirmed in Article 2(4) of the UN Charter and strengthened in Article 1 of the 1944 Chicago Convention. Violations of airspace without the consent of the country concerned are categorized as acts of aggression or intervention, depending on the context and impact. In the case of Israel-Iran in Syrian airspace, the use of missiles and drones passing over the territory of third countries is an issue of violation of the principle of non-intervention⁷ and the principle of respect for sovereignty.

Even as a result of the violation of Syrian air sovereignty, the news media Sana.sy reported the condition due to missiles and drones crossing Syrian territory that caused damage to houses due to the crash of drones in houses in the Deraa, Rif Dimashq area, and even in the Tartus area, causing residents to die from injuries due to drone

⁶ Johnny Ibrahim, "Normative Law Research Theory and Methodology," 2006, <https://lib.ui.ac.id>.

⁷ "Non-Intervention (Non-Interference in Domestic Affairs) | The Princeton Encyclopedia of Self-Determination," accessed June 21, 2025, <https://pesd.princeton.edu/node/551>.

crashes⁸⁹. This has clearly shown the violation of international law as well as local laws in Syria.

The study by Abeyratne shows that the Chicago Convention only regulates airspace in the context of civil aviation, while the development of long-range weapons and cross-border military operations has not been explicitly accommodated. This creates a legal vacuum that countries take advantage of to launch airstrikes on cross-border targets¹⁰. In this conflict, both Israel and Iran use Syrian airspace as an unauthorized missile track, which in principle violates the country's sovereignty.

In addition, Remy Jorritsma said that the responsibility of the state in armed conflict also includes the obligation not to put third countries at risk¹¹. Syria, which is not actively involved in the Israeli-Iranian conflict, is a victim of damage and security threats from foreign projectiles. This creates reparations obligations and international responsibilities that should be enforceable through international judicial mechanisms, although in practice they are often hampered by political obstacles. Furthermore, Ben Saul criticized the weak international jurisprudence in dealing with conflicts both on land, sea and air¹². The absence of a strong precedent regarding accountability for air violations against third countries demonstrates structural weaknesses in international air law. Therefore, it is necessary to formulate new protocols or amendments to existing instruments such as the Chicago Convention to accommodate the reality of modern military threats that use the airspace of other countries.

Then the question arises "so why does Syria seem to allow its airspace to be used by Israel and Iran?", answering this we can see for ourselves in various media how Syria has only begun to reconstruct its country after the armed conflict during the Assad regime, so that the interim government under Ahmed al-Sharaa is very tired and does not want further escalation. They seek to prioritize domestic stabilization rather than

⁸ Sana, "June 15, 2025 "ج طرطوس ريف في بمنزل مادية وأضرار امرأة إصابة المصدر مجهولة مسيرة", <https://www.sana.sy/?p=2232217>; BBC Monitoring, "Briefing: Syria Silent as Israel-Iran War Spills into Its Airspace," June 17, 2025, <https://monitoring.bbc.co.uk/product/b00042vl>

⁹ BBC Monitoring, "Briefing: Syria Silent as Israel-Iran War Spills into Its Airspace."

¹⁰ Ruwantissa Abeyratne, "The High-Level ICAO COVID-19 Conference: A Critical Commentary," *Air and Space Law* 47, no. 1 (February 1, 2022): 45–60, <https://doi.org/10.54648/AILA2022003>.

¹¹ "Emerging Voices: The Role of Attribution Rules Under the Law of State Responsibility in Classifying Situations of Armed Conflict - *Opinio Juris*," accessed June 21, 2025, <https://opiniojuris.org/2015/08/17/emerging-voices-the-role-of-attribution-rules-under-the-law-of-state-responsibility-in-classifying-situations-of-armed-conflict/>.

¹² Ben Saul et al., "From Conflict to Complementarity: Reconciling International Counterterrorism Law and International Humanitarian Law," *International Review of the Red Cross* 103 (2021): 157–202, <https://doi.org/10.1017/S181638312100031X>.

starting a new confrontation with Israel¹³. Syria does not formally allow the use of its airspace by Israel or Iran. But in practice, the airspace is defacto-open due to a combination of weak internal factors, strategic considerations of external actors (Israel, Iran), and Russia's dominance over air defense. This explains why no firm action has been taken against these violations¹⁴.

State Responsibility for Air Traffic Violations in the Context of State Responsibility

The Articles on State Responsibility (ARSIWA) 2001 states "that the actions of states that violate international obligations and cause losses to other countries may be held liable".¹⁵ In this case, both Israel and Iran could be held responsible for violations of Syrian airspace, including potential impacts on the safety of civilians. However, the implementation of state accountability mechanisms still depends on international forums such as the International Court of Justice (ICJ), which requires consensus or initiative from the aggrieved state (in this case Syria). Given the geopolitical dynamics and weak diplomatic position of Syria, efforts to bring the case to the ICJ or international arbitration forums are very limited.

From an international legal perspective, state accountability for airspace violations committed during armed conflict often depends on evidence of direct involvement and the existence of enforceable legal norms. In Franck's analysis, the principle of state accountability will only be effective if there is political pressure and support from the international community¹⁶, especially through multilateral forums such as the United Nations and the ICJ. In addition, a study by Jure Vidmar suggests that ARSIWA has high normative power but is still weak in terms of enforcement, especially in cases where the aggrieved state is unable to take legal action due to political or economic pressure¹⁷. In the context of Syria, diplomatic weakness and low bargaining positions are the main obstacles to demanding compensation or recognition for violations that have occurred.

In a regional context, Eva & Emanuela's analysis shows that Middle Eastern countries generally do not have robust regional mechanisms for resolving air disputes legally,

¹³ "Syrians Emerging from Dictatorship Bristle at New Threat from Israel - The Washington Post," accessed June 22, 2025, <https://www.washingtonpost.com/world/2025/02/26/israel-targets-syria-military-positions/>

¹⁴ "What's behind Syria's Silence on the Israel-Iran War? | The Jerusalem Post," accessed June 22, 2025, <https://www.jpost.com/middle-east/article-858397>.

¹⁵ "Responsibility of States for Internationally Wrongful Acts (2001)," n.d., accessed June 21, 2025.

¹⁶ Thomas M.. Franck, "The Power of Legitimacy among Nations," 1990, 303, <https://global.oup.com/academic/product/the-power-of-legitimacy-among-nations-9780195061789>.

¹⁷ Jure Vidmar, "Norm Conflicts and Hierarchy in International Law: Towards a Vertical International Legal System?," accessed June 21, 2025, <http://ssrn.com/abstract=2060300>.

in contrast to Europe which has frameworks such as the ECHR and ECtHR.¹⁸ This puts Syria and similar countries in high legal vulnerability to air aggression by powerful state actors. Furthermore, Kamijani's study mentions that in some cases, responsibility for air violations can also be demanded through the mechanism of individual responsibility within the framework of the Rome Statute, especially if it is proven that there is a deliberate order to violate humanitarian law¹⁹. However, this approach is more relevant for large-scale violations involving civilian casualties.

In line with the opinion of the analysis written by Gill and Fleck²⁰, the update of the air law norms should include provisions on collective liability and specific procedures for identifying and prosecuting violations involving the airspace of third countries. Without this kind of reform, the existence of legal instruments such as ARSIWA will not be enough to prevent repeated violations in the future. Then as an answer to the urgency of the law, it is hoped that global actors will continue to encourage changes in the adjustment of international law into their respective national laws, for example, such as the initial step of ratifying or adopting ARSIWA as a definite law so that ARSIWA will not only become a *draft* but also become the main source of law as the basis for prosecution of state accountability.

An Analysis of the Justification for the Use of Force Based on *Self-Defense* in International Law

Israel's and Iran's claims on the basis of Article 51 of the UN Charter need to be examined within the framework of the principles of proportionality and necessity. In this regard, Gray's study states that the use of *pre-emptive* or *anticipatory self-defense powers* has no consensus in state practice and has not yet received legitimacy from the International Court of Justice²¹. The use of third countries' airspace for the exercise of the right to self-defense is considered incompatible with the principles of neutrality and respect for the sovereignty of other countries. Thus, according to Dinstein in his

¹⁸ Eva Svoboda and Emanuela-Chiara Gillard, "Protection of Civilians in Armed Conflict: Bridging the Gap between Law and Reality," October 7, 2015, <https://odi.org/en/publications/protection-of-civilians-in-armed-conflict-bridging-the-gap-between-law-and-reality/>.

¹⁹ Milad Kashi Kamijani, "Violation of the Airspace of Countries by Unmanned Aerial Vehicles (Drones) from the Perspective of International Law," *Journal of Digital Technologies and Law* 2, no. 3 (November 9, 2024): 674–89, <https://doi.org/10.21202/JDTL.2024.34>.

²⁰ Terry D Gill and Dieter Fleck, "Part II Military Operations within the Context of the UN Collective Security System , Ch . 6 Peace Operations (p . 153) Chapter 6 Peace Operations 6 . 1 Characterization and Legal Basis for Peace Operations," no. December 2015 (2018), <https://global.oup.com/academic/product/the-handbook-of-the-international-law-of-military-operations-9780198744627>.

²¹ Christine Gray, *International Law and the Use of Force*, 4th ed. (Oxford University Press, 2019), <https://global.oup.com/academic/product/international-law-and-the-use-of-force-9780198808411>.

book (*War, Aggression and Self-Defence*)²² emphasizes that the use of *self-defense* must not cause harm to countries that are not involved in the conflict, because this is contrary to the principle of *due regard* as established in international air law.

According to Corten, many Western countries tend to justify preventive measures in the name of national security, but this approach is not universally supported and often ignores the legality aspect of international legal²³ frameworks. In the context of cross-missile strikes in Syria, the *pretext of self-defense* has become a normative debate that risks shifting the legal boundaries of the legitimate use of force. Finally, a study by Himmes & Kim warns that an expansion of interpretation of Article 51 of the UN Charter could pave the way for the abuse of the justification of *self-defense* by strong states against militarily weak states²⁴. This will weaken the principle of state equality in international law and open up the space for impunity.

The principle of prudence in the use of cross-border force is affirmed as part of the *due diligence* that must be adhered to by states, including in non-war situations. The case of missile launches by Israel and Iran through the airspace of Syria, which is the third country in this conflict, creates conditions in which the precautionary principle is not met, and has clearly caused losses on the non-parties involved in the conflict. In addition, the lack of clarity of collective responsibility for these violations hinders the effectiveness of international air law norms. According to an analysis by Matthew T. King in *the Journal of Air Law and Commerce*, the Chicago Convention does not explicitly regulate the use of military projectiles by state parties, thus creating a *gray area* for states to utilize in armed conflict²⁵. This demonstrates the need for an international air law reform that takes into account the military dimension of modern airspace, including the integration of international humanitarian law principles into the civil air law framework.

Furthermore, Lissitzyn pointed out that international jurisprudence has never provided a sufficiently strong precedent in the case of cross-missile violations in the

²² Yoram Dinstein, *War, Aggression and Self-Defence*, 4th ed. (Cambridge: Cambridge University Press, 2004), www.cambridge.org.

²³ Olivier Corten, "The Law against War - The Prohibition on the Use of Force in Contemporary International Law," 2010, <https://papers.ssrn.com/abstract=2247954>.

²⁴ Annie Himes and Brian J Kim, "SELF-DEFENSE ON BEHALF OF NON-STATE ACTORS," *Pa. J. Int'l L* 43: 1, accessed June 21, 2025, <https://scholarship.law.upenn.edu/jil/vol43/iss1/5>.

²⁵ Matthew T King, "Sovereignty's Gray Area: The Delimitation of Air and Space in the Ea: The Delimitation of Air and Space in the Context of Aerospace Vehicles and the Use of Force," *Journal of Air Law and Commerce* 81, no. 3 (2016), <https://scholar.smu.edu/jalc/vol81/iss3/3><http://digitalrepository.smu.edu>.

airspace of third countries²⁶. This complicates accountability mechanisms and weakens the position of countries whose territories are violated. In this context, Syria is an example of a country whose sovereign rights are ignored without compensation or remedial measures. As Maknouzi & Jadalhaq conclude, the protection of the airspace of third countries in armed conflict requires higher legal standards, including the establishment of additional protocols that limit the use of the airspace of neutral countries for offensive operations, but the clash of international treaties complicates legal certainty in the airspace of the airspace²⁷. Without it, international air law will continue to lag behind the development of modern military technology and defense strategies.

Reaction and Responsibility of the International Community

The international reaction to the violation of Syrian airspace has been largely declarative and political. The UN Security Council cannot produce a binding resolution due to the tug-of-war of geopolitical interests, especially the veto role of permanent members such as the United States and Russia. This has led to an impasse in effective decision-making to respond to Israeli and Iranian actions that violate Syria's air sovereignty. ICAO as an international civil aviation body can only issue non-binding recommendations and does not have sanctioning authority against member states. This is evidenced by the absence of concrete action against missile launches in Syrian civilian airspace, despite the fact that ICAO has issued an aviation safety warning (NOTAM) in the region²⁸. Meanwhile, the UNHRC focuses more on human rights violations against civilians, and does not specifically address violations of airspace sovereignty.

The Sana report noted that the world's condemnation of Israel's actions was more aimed at maintaining regional stability than defending the integrity of other countries' air laws. In fact, data shows that actions taken by Israel caused the deaths of Syrians²⁹. Meanwhile, countries such as China and Russia support the need to reform the international legal system so as not to be biased against the interests of great powers³⁰.

²⁶ Oliver J. Lissitzyn, "The Treatment of Aerial Intruders in Recent Practice and International Law," *American Journal of International Law* 47, no. 4 (October 1953): 559–89, <https://doi.org/10.2307/2194908>.

²⁷ Mohammed El Hadi et al., "The Conflict of International Agreements in Air Law: A Reasonable Plea for Conventional Uniform Rules," *University of Bologna Law Review* 6, no. 2 (December 27, 2021): 239–60, <https://doi.org/10.6092/ISSN.2531-6133/14144>.

²⁸ "Syria – Safe Airspace," accessed June 21, 2025, <https://safeairspace.net/syria/>.

²⁹ "A woman was injured and a house in the countryside of Tartous was injured by a drone explosion of unknown origin – S A N A," accessed June 22, 2025, <https://www.sana.sy/?p=2232217>.

³⁰ "RRI.Co.Id - China and Russia push for global governance reform," accessed June 22, 2025, <https://www.rri.co.id/internasional/1509417/tiongkok-dan-rusia-dorong-reformasi-tata-kelola-global>.

However, until now there has been no global consensus on legal steps that can be taken against a country's air territorial violations in armed conflict.

Examining his study, Mälksoo said that the collective accountability of the international community for violations of state sovereignty can only be realized if there is a strong political commitment from the majority of UN member states³¹. Unfortunately, geopolitical fragmentation and polarization in international forums hinder the formation of new norms or the implementation of collective sanctions mechanisms, and we can even see in real practice how the Veto can hinder geopolitical development³². Some observers have also proposed the establishment of an *ad hoc* mechanism under the UN General Assembly to investigate air violations by countries in armed conflict, but until now this study is still ongoing, it has not been implemented. In line with the solution presented by Wouters & Brems, it is stated that investigative models such as *the Independent International Commission of Inquiry* can be expanded to include the issue of airspace violations, in order to bridge the power vacuum in the Security Council³³, so that the initial response to it can show the public that there is still a role and responsibility of the international community.

Given the current weak institutional response, the international community needs to review the mandates of institutions such as ICAO and the UNHRC in order to respond more proactively to military threats in civilian airspace. These reforms need to include investigative capabilities, sanctions recommendations, and stronger arbitration authorities so that sovereign violations do not continue to recur without clear consequences

IV. CONCLUSION

The violation of Syrian airspace in the context of the conflict between Israel and Iran reflects a serious challenge in the contemporary international legal system, particularly in terms of the protection of third-state sovereignty and the effectiveness of state accountability. Based on the principle of *sovereign equality* as stated in Article 2(4) of the UN Charter and the norms of the 1944 Chicago Convention, each country has exclusive rights to its national airspace. However, developments in military technology—such as the use of drones and cross-border missiles—are not fully regulated explicitly in existing international legal instruments, creating a *legal vacuum* that is exploited by powerful powers. The analyzed study shows that the principle of

³¹ Lauri Mälksoo, "International Law between Universality and Regional Fragmentation: The Historical Case of Russia," *Research Handbook on the Theory and History of International Law, Second Edition*, January 1, 2020, 373–93, <https://doi.org/10.4337/9781788116718.00024>.

³² Raihaana Azmi -Student et al., "Veto Power: A Legal Debate in the United Nations Security Council," n.d., accessed June 22, 2025.

³³ Jan. Wouters, Eva Brems, and Pierre Schmitt, *Accountability for Human Rights Violations by International Organisations*, ed. Intersentia (Intersentia, 2010), www.intersentia.com.

state responsibility as stipulated in the *Articles on State Responsibility* (ARSIWA) 2001 can be used as a normative basis for demanding accountability for air traffic violations. However, the effectiveness of its implementation depends heavily on the political power and legal capacity of the victim country. In the case of Syria, the weak diplomatic position and the absence of adequate regional mechanisms hampered the process of international litigation, both through the International Court of Justice and multilateral arbitration.

The justification for *self-defense* actions under Article 51 of the UN Charter by Israel and Iran is also criticized for not meeting the criteria of *necessity* and *proportionality* and involving neutral third-country territory. This is contrary to the principle of *due diligence* and the principle of non-intervention. Thus, there is an urgent need to reform the international air law regime to include more detailed arrangements for the use of airspace in armed conflict, as well as integration with international humanitarian law. The weak response of the international community, particularly due to the dysfunction of the UN Security Council and the limitations of ICAO in enforcing norms—further reinforce the urgency of institutional reform. A new approach is needed through the establishment of additional protocols, the strengthening of the investigative mandates of international institutions, and the enhancement of collective sanctions capacity to ensure that violations of state sovereignty do not lead to impunity. Thus, the international legal framework must transform to be able to anticipate the complexity of air threats in the era of geopolitics and modern military technology.

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