



Self-Defense in the Iran-Israel Conflict: Protecting Third-State Sovereignty, A Comparative Analysis of International Law and Islamic Legal Theory

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Abstract: This article challenges the conventional discourse on military self-defense by interrogating the unexamined consequences of the Iran-Israel conflict: the collateral erosion of sovereignty in neighboring Muslim states. Through a normative-juridical analysis of International Law and *Siyāṣah Syar'iyah*, we reveal a critical disjuncture. While International Law theoretically protects third-party states under the principle of non-intervention, its application is rendered moot by the strategic interests of major powers. Conversely, *Siyāṣah Syar'iyah*, through the classical doctrines of *fiqh al-Siyar* and *tamyīz* (distinction), provides a granular ethical framework that International Law lacks. The study's primary contribution is the operationalization of *ḥimāyat al-bayḍah* as a legal counterweight to the UN Security Council's geopolitical paralysis. We argue that cross-border military maneuvers sacrificing neighboring states contravene *al-wafa' bi al-ʿuqud* (respect for treaties) and constitute tangible *fasād* (corruption), nullifying any moral or legal claim to self-defense. Consequently, Muslim states can no longer passively rely on orthodox legal instruments vulnerable to hegemonic distortion. We call for a fundamental reconceptualization of Middle Eastern security architecture, shifting toward an independent, proactive collective defense pact grounded in *Maqāṣid al-Sharī'ah*, ensuring that the sovereignty of Muslim nations is no longer held hostage to geopolitical rivalries.

Keywords: Iran-Israel Conflict; *Siyasah Syar'iyah*; International Law; Third-Party Sovereignty; *Fiqh al-Siyar*

Abstrak: Artikel ini menantang wacana konvensional tentang pembelaan diri militer dengan mengkaji konsekuensi-konsekuensi yang tidak terperiiksa dari konflik Iran-Israel, yakni erosi kedaulatan secara tidak langsung pada negara-negara Muslim tetangga yang tidak terlibat. Melalui analisis normatif-yuridis antara Hukum Internasional dan *Siyāṣah Syar'īyyah*, kami mengungkap adanya kesenjangan kritis. Meskipun Hukum Internasional secara teoretis melindungi negara pihak ketiga berdasarkan prinsip non-intervensi, penerapannya menjadi mandul karena kepentingan strategis negara-negara besar. Sebaliknya, *Siyāṣah Syar'īyyah*, melalui doktrin-doktrin klasik *fiqh al-Siyar* dan *tamyīz* (pembedaan/distingsi), menyediakan kerangka etis yang lebih terperinci yang tidak dimiliki oleh Hukum Internasional. Kontribusi utama studi ini adalah operasionalisasi *ḥimāyat al-bayḍah* sebagai penyeimbang hukum terhadap kelompok geopolitik Dewan Keamanan PBB. Kami berargumen bahwa manuver militer lintas batas yang mengorbankan negara tetangga bertentangan dengan *al-wafa' bi al-uqud* (penghormatan terhadap perjanjian) dan merupakan bentuk *fasād* (kerusakan) nyata, yang membatalkan klaim moral maupun hukum atas pembelaan diri. Akibatnya, negara-negara Muslim tidak dapat lagi bergantung secara pasif pada instrumen hukum ortodoks yang rentan terhadap distorsi hegemonik. Kami menyerukan adanya rekonseptualisasi mendasar terhadap arsitektur keamanan Timur Tengah, dengan beralih menuju pakta pertahanan kolektif yang independen dan proaktif yang berlandaskan *Maqāṣid al-Sharī'ah*, untuk memastikan bahwa kedaulatan negara-negara Muslim tidak lagi menjadi sandera rivalitas geopolitik.

Kata Kunci: Konflik Iran-Israel; *Siyasah Syar'īyyah*; Hukum Internasional; Kedaulatan Pihak Ketiga; *Fiqh al-Siyar*

Introduction

The conflict between Iran and Israel has escalated since late February 2026, characterized by mutual air strikes using missiles and drones that have killed military personnel and civilians in both countries and damaged infrastructure; 1,230 Iranians are reported to have been killed as a result of these attacks.¹ There are fears that this escalation could drag on and potentially draw in major powers such as the United States, which supports Israel, and Russia and China, which are more inclined to defend Iran's sovereignty, thereby raising the risk of a wider regional conflict.

This escalation marks the latest chapter in a decades-long conflict often referred to as a 'shadow war' because much of it takes place behind closed doors, with its impact having intensified sharply since the outbreak of the war in Gaza.² Relations between the two countries were in fact once close during the Shah's reign, when Iran was an ally of the United States and one of the Muslim countries that recognized Israel.³ However, those relations underwent a complete reversal following the 1979 Islamic Revolution, when Iran severed ties with Israel and built up a network of allies in the region.⁴ These tensions were marked by a number of key turning points, including the assassination of Hamas

¹ Shinta Milenia, "Dampak Serangan AS-Israel Ke Iran: 1.230 Orang Tewas, Infrastruktur Rusak," Kompas TV, March 11, 2026, <https://www.kompas.tv/internasional/656195/dampak-serangan-as-israel-ke-iran-1-230-orang-tewas-infrastruktur-rusak-kompas-petang>.

² Nurdyansa, Ismail and Fatma, "Analisis Framing Komparatif Konflik Iran-Israel Pada Pemberitaan Di Al Jazeera Dan CNN International," *Core: Jurnal Of Communication Research* 3, no. 2 (2025): 22–42, <https://doi.org/10.47650/core.v3i2.2222>.

³ Adiba Tahir Gill, Umme Ummara, and Ali Abbas Hashmi, "Great Power Rivalry and Regional Escalation: The Russia–U.S. Proxy Conflict and Its Impact on the Iran–Israel War," *Policy Journal of Social Science Review* 3, no. 9 (2025): 224–235, <https://policyjssr.com/index.php/PJSSR/article/view/492>.

⁴ Aldino Cakra Buana et al., "Analisis Keamanan Timur Tengah: Eskalasi Konflik Israel-Iran," *Retorika: Jurnal Komunikasi, Sosial Dan Ilmu Politik* 1, no. 6 (2024): 383–390, <https://jurnal.kolibi.org/index.php/retorika/article/view/4233>.

leader Ismail Haniyeh in Tehran in 2024⁵ the allegations made by Iran against Israel,⁶ up to the public statement by Iran's supreme leader, who explicitly referred to Israel as an enemy.⁷

This escalation has also been exacerbated by the unresolved issues surrounding Iran's nuclear program and economic sanctions,⁸ as well as the Persian Gulf region's status as one of the world's energy hubs.⁹ Consequently, disruptions to shipping routes, such as the Strait of Hormuz, have prompted many countries to conserve energy and raise fuel prices.¹⁰ Several observers have also warned that continued escalation risks triggering a wider regional arms race.¹¹

The impact of this conflict is not confined to the two warring countries. Neighboring Muslim countries not directly involved, such as Jordan and Iraq, have also felt the cross-border impact in the form of airspace violations and threats to regional stability. It is this situation that forms the main focus of this study: how the sovereignty of these third-party states is being jeopardized amid military self-defense maneuvers, and to what extent international law and Islamic law can protect it.

In the fiqh of siyar, the safety of those not involved in the conflict, whether civilians of the belligerent state or nationals of other states who are not directly involved, must be guaranteed.¹² This principle, formulated by Imam Shaybani in *Sharḥ Kitāb al-Siyar al-Kabīr*, was reinforced by Ibn Taymiyyah in *al-Siyāsah al-Syar'iyyah*, which emphasizes that all political policies, including warfare, must be directed towards promoting the public good and preventing harm.¹³ It is these two works that have earned one of their authors the title of 'father of Muslim international law'.¹⁴ It serves as the main analytical framework for this study.

Studies that combine perspectives from international law and Islamic jurisprudence to analyze contemporary conflicts remain limited. Previous research by Koloay, Cecep and Miknamara has focused on the impact of conflicts on regional and global security.¹⁵ Meanwhile, Zainab et al. highlight

⁵ Suat Cubukcu, Eoin B. Healy, and Adam Blackwell, "Regional Terrorism Trends Before and After October 7," *CTC Sentinel* (Juni 2025): 13, Combating Terrorism Center at West Point, https://ctc.westpoint.edu/wp-content/uploads/2025/10/CTC-SENTINEL-102025_article-3.pdf.

⁶ Buana et al., "Analisis Keamanan Timur Tengah," 383–390.

⁷ Krysta Wise, "Islamic Revolution of 1979: The Downfall of American-Iranian Relations," *Legacy* 11, no. 1 (2011): Article 2, <http://opensiuc.lib.siu.edu/legacy/vol11/iss1/2>.

⁸ Shohreh Pirani and Mahdi Naderi, "The Causes of Ineffectiveness of US Sanctions against the Islamic Republic of Iran Based on the Political, Economic and Geopolitical Components," *Geopolitics Quarterly* 19, no. 4 (2024): 314–337, <https://doi.org/10.22034/igq.2023.185746>.

⁹ Satria Dharmawan Ajie Laksono et al., "Analisis Perubahan Kebijakan Luar Negeri Iran Terhadap Israel Pasca Serangan 7 Oktober 2023," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, dan Pendidikan* 4, no. 12 (2025): 4523–4542, <https://doi.org/10.54443/sibatik.v4i12.3603>.

¹⁰ Sani Shehu, Isyaku Adamu, and Mukhtar Atiku Kurawa, "The Impact of Iran-Israel Conflict on the Development of Global Economy," in *Proceedings of the International Conference on Industrial Engineering and Operations Management* (2025): 1–10, <https://doi.org/10.46254/GC03.20250000>.

¹¹ Burak Şakir Şeker, "A New Security Calculus: Redefining National Security Through the Lessons of the 2025 Iran-Israel War," *Kent Akademisi* 18, no. 6 (2025): 3942–3968, <https://doi.org/10.35674/kent.1752402>.

¹² Muḥammad ibn al-Ḥasan al-Shaybānī, *Sharḥ Kitāb Al-Siyar al-Kabīr*, ed. Muḥammad Ḥasan Ismā'īl al-Shāfi'ī (Dar al-Kotob al-Ilmiyah, 1997), 1–270.

¹³ Taqī al-Dīn Aḥmad ibn Taymiyyah, *Al-Siyāsah al-Shar'iyyah* (Riyadh: Wizārat al-Shu'ūn al-Islāmiyyah wa al-Awqāf wa al-Da'wah wa al-Irshād, 1418).

¹⁴ Hafiz Amir Shahzad and Muhammad Hammad Saeed, "Imam Muhammad ibn al-Hasan al-Shaybani: Biography and Intellectual Legacy," *Advance Social Science Archive Journal* 4, no. 2 (2025): 722–744, <https://doi.org/10.5281/zenodo.17394685>.

¹⁵ Jorry S. Koloay, Cecep, and Miknamara, "Pengaruh Konflik Israel-Iran Terhadap Keamanan Kawasan Regional Dan Global," *Syntax Idea* 6, no. 9 (September 2024): 6079–6086, <https://doi.org/10.46799/SYNTAX-IDEA.V6I9.4490>; Vitalii Sokurenko et al., "War as A Socio-Cultural Phenomenon: A Criminological Perspective and Conceptualization with Empirical Study in Ukraine," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (April 2024): 18–34, <https://doi.org/10.18592/SJHP.V24I1.12547>.

the role of the United States through economic sanctions, diplomacy, and military strategy.¹⁶ As far as the researchers' review is concerned, there has yet to be an in-depth study examining the fate of the sovereignty of third-party Muslim states in the Iran-Israel conflict through the combined lens of international law and Islamic political theory. Consequently, this study aims to analyze violations of third-party state sovereignty in the Iran-Israel conflict from the perspectives of international law and Islamic political theory, whilst also outlining how these two frameworks can serve as a basis for protecting and advocating Muslim states caught up in the dynamics of this conflict.

This study is a qualitative research project employing a juridical-normative approach, which treats law as a norm to be examined through textual sources of international law and the body of Islamic legal thought, to conduct an in-depth analysis of the escalation of the Iran-Israel conflict from the perspective of *siyāsah syar'iyah* and international law, focusing on the issue of the sovereignty of Muslim states. To enrich the analysis, this study integrates a comparative approach to compare the concept of sovereignty in international law with the concept developed in *siyāsah syar'iyah*;¹⁷ a case-study approach, using the Iran-Israel conflict as the focus of analysis; and an interdisciplinary approach that integrates perspectives from international law, *fiqh siyāsah*, and theories of international relations, so that such conflicts are not viewed merely as political phenomena,¹⁸ but also as an arena in which norms, identities and interests clash.¹⁹

The data in this study are drawn from secondary legal sources obtained through library research, including international legal documents such as the Charter of the United Nations, conventions on international humanitarian law, and UN Security Council resolutions relevant to the Middle East conflict, as well as classical and contemporary literature in the field of *siyāsah syar'iyah*, including the works of Imam Shaybani, al-Māwardī and Ibn Taymiyyah, and studies on *maqāṣid al-sharī'ah*, and articles from reputable academic journals on international law and international relations.

Data collection was carried out using the documentation method, which involves searching for, identifying and categorising literature and documents relevant to the research focus. The data collected was then analysed qualitatively using descriptive-analytical analysis to elucidate the key concepts of state sovereignty, comparative analysis to compare the perspectives of international law and Islamic political theory, and case study analysis to test the relevance of these concepts in the context of the Iran-Israel conflict, as well as a critical analysis to assess inequalities and biases in the application of international law to Muslim countries. As a final stage, this study conducts an interdisciplinary synthesis. It applies source triangulation to ensure the authenticity, validity, and reliability of the data, thereby producing an analysis that is at once descriptive, argumentative, and reflective, for the development of studies in Islamic law that intersect with international law.

¹⁶ Afira Mujeeb Zainab, Muhammad Shabbir, and Ghulam Mustafa, "The Role of the United States in the Iran-Israel Conflict: An Analysis," *International Journal of Politics & Social Sciences Review (IJSSR)* 4, no. 2 (2025): 70–81, <https://ojs.ijpsr.org.pk/index.php/ijpsr/article/view/152>.

¹⁷ Iqbal Katrino and Yus Afrida, "People's Sovereignty in the System Presidential Threshold in the Perspective Siyasaḥ Al-Syari'yyah," *El-Mashlahah* 11, no. 2 (December 2021): 187–204, <https://doi.org/10.23971/ELMA.V11I2.3259>.

¹⁸ Muji Mulia et al., "Conflict And Consensus in Fiqh Siyasaḥ: The Practice of Islamic Law Across Various Cultures," *Jurnal Ilmiah Peuradeun* 12, no. 3 (September 2024): 1263–1288, <https://doi.org/10.26811/PEURADEUN.V12I3.1363>.

¹⁹ Toha Andiko, "Pemberdayaan Qawā'id Fiqhiyyah Dalam Penyelesaian Masalah-Masalah Fikih Siyasaḥ Modern," *Al-'Adalah* 11, no. 1 (2014): 103–118, <https://doi.org/10.24042/ADALAH.V12I1.178>.

The Dynamics of Iran-Israel Relations: Past Friendship, Current Hostility

The open military escalation that broke out in February 2026 cannot be separated from the historical roots of bilateral relations between the two countries, which have undergone a drastic shift in paradigm. Long before the era of confrontation, under the leadership of Mohammad Reza Shah Pahlavi, Iran regarded Israel and the United States as its closest allies in the region through a pragmatic, pro-Western foreign policy. The dynamics of the Cold War compelled Iran to assume the role of a strategic anchor for the Western bloc, whilst Israel was regarded as an ideal regional partner for countering a shared ideological threat in order to maintain stability in the Middle East.

This ideological closeness to the West was further reinforced by regional dynamics, particularly the emergence of the Pan-Arabist movement, spearheaded by Gamal Abdel Nasser, from the mid-1950s to the late 1960s. This ideology was viewed as a common threat to both Iran and Israel, as it had the potential to consolidate the power of Arab states into a single political bloc that was anti-Western and anti-Israeli. It was this shared threat that subsequently reinforced Iran's need to forge a strategic alliance with Israel and the United States, whilst the expansion of the Soviet Union's influence in the region served as an additional driving factor.

This strategic alliance, underpinned by security interests, subsequently extended into the economic sphere. Cooperation between Iran and Israel has developed rapidly based on mutual interests, particularly in the energy sector.²⁰ Israel, which lacks adequate domestic energy resources, is heavily reliant on oil imports, whilst Iran is seeking to expand its oil export market into Europe. These economic ties reflect the pragmatic approach of both countries, which prioritize economic interests over ideological considerations.

This economic cooperation reached its peak following the Six-Day War, when Israel succeeded in persuading Iran to construct the strategic Eilat–Ashkelon oil pipeline project as an alternative energy distribution route in the Middle East.²¹ This pipeline connects the Red Sea to the Mediterranean and enables Iran to export its oil to European markets via a more efficient, less vulnerable route. This project not only provides significant economic benefits to both countries but also strengthens the strategic relationship between Iran and Israel within the framework of an unofficial alliance based on shared security interests and regional stability during the Cold War.

However, the framework of cooperation that had been established over several decades collapsed dramatically following the 1979 Iranian Revolution led by Ruhollah Khomeini, which fundamentally shifted Iran's political orientation from pro-Western to anti-Western.²² This radical change reflects a paradigm shift in *Siyāsah al-Kharijiyyah* (Islamic foreign policy) and the institutional model of the *daulah* (state) in Iran. Whilst the former Shah's monarchy applied the principle of the public interest in a secular manner (*maslahah mursalah*) to promote economic growth and domestic stability, the newly established Islamic Republic of Iran adopted the theory of *Wilayat al-Faqih* (the leadership of the jurists) as the constitutional foundation of its state system.²³ Under the banner of this new

²⁰ Homa Katouzian, *The Persians: Ancient, Mediaeval and Modern Iran* (New Haven: Yale University Press, 2009), 278–280.

²¹ Uri Bialer, *Oil and the Arab-Israeli Conflict, 1948–1963* (London: Palgrave Macmillan, 2015), 189–192.

²² Ervand Abrahamian, *A History of Modern Iran* (Cambridge: Cambridge University Press, 2008), 123–126.

²³ Muhtar Said et al., “Between Revelation and Constitution: The Sovereignty Fiqh of Muhammad Yamin's Sociopolitical *Ijtihād*,” *Journal of Islamic Law* 6, no. 2 (July 2025): 236–264, <https://doi.org/10.24260/JIL.V6I2.4220>.

ideology, Tehran positions the daulah not merely as a modern geopolitical actor, but as an instrument for upholding transnational justice and resisting Western imperialism (*thaghut*).

This shift in the constitutional foundations has direct implications for the direction of Iran's foreign policy towards Israel. Consequently, Iran espouses an ideology of anti-imperialism and anti-Zionism that categorically rejects the legitimacy of Israel as a state.²⁴ From the perspective of contemporary Fiqh Siyāsah,²⁵ this total rejection of the Zionist entity is based on the normative argument that the land of Palestine is Islamic waqf land which,²⁶ under Sharia law, must not be ceded to or recognized as belonging to non-Muslim powers through colonization (*ghasb*).²⁷ It was this ideological and theological transformation that ultimately undermined the strategic cooperation of the past and sparked prolonged hostilities, which subsequently manifested themselves in various forms of indirect conflict or proxy wars in the Middle East.

These manifestations of hostility began to become apparent just a few weeks after the Islamic Revolution in Iran, marked by the severing of all formal ties with Israel and open calls for the destruction of the Jewish state, a confrontation that continues to this day. In addition to this overt hostility, Iran has also engaged in indirect confrontation by providing support and military supplies to Hezbollah in Lebanon and the Assad regime in Syria, and Hamas in Gaza over the past few decades.²⁸

This pattern of indirect confrontation subsequently developed into what is known as a 'shadow war', which has become increasingly complex since 2015, particularly following Russia's military intervention in the Syrian Civil War.²⁹ In this context, Iran and Russia form a strategic alliance that supports the regime of Bashar al-Assad in order to maintain the political status quo in Syria whilst expanding their geopolitical influence in the region.³⁰ Iran's presence through its network of proxy militias, bolstered by Russian military support, has further strengthened Damascus's position, yet at the same time has actually triggered an escalation in the intensity of Israeli attacks on Iranian targets within Syrian territory.

This escalation of the shadow war came under further pressure in 2018, when President Donald Trump withdrew the United States from the Joint Comprehensive Plan of Action nuclear deal. This policy was followed by the reimposition of stringent economic sanctions against Tehran through a strategy known as the 'maximum pressure policy', which targeted Iran's oil, gas and banking sectors.³¹ The main aim of the policy is to pressure the Islamic Republic of Iran into halting its nuclear program

²⁴ Trita Parsi, *Treacherous Alliance: The Secret Dealings of Israel, Iran, and the United States* (New Haven: Yale University Press, 2007), 252–256.

²⁵ Agus Machfud Fauzi et al., "Politicisation of Agrarian Legal Conflict as Political Capital: A Fiqh Siyāsah Perspective," *De Jure: Jurnal Hukum Dan Syar'iah* 18, no. 1 (May 2026): 126–149, <https://doi.org/10.18860/J-FSH.V18I1.41410>.

²⁶ Shuaibu Umar Gokaru, Mohd Roslan Mohd Nor, and Faisal Ahmad Faisal Bin Abdul Hamid, "The Israeli Demolition of Palestinian Houses in Jerusalem: An Overview from the Historical Perspective," *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 2023): 763–782, <https://doi.org/10.26811/PEURADEUN.V11I2.799>.

²⁷ Ali Ridho et al., "Arab Legal Responses to Colonial Citizenship in Indonesia, 1914–1945: A Siyāsah Shar'īyyah Analysis," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 26, no. 1 (June 2026): 324–347, <https://doi.org/10.19109/NURANI.V26I1.31400>.

²⁸ Marta Furlan, "Israeli-Iranian Relations: Past Friendship, Current Hostility," *Israel Affairs* 28, no. 2 (2022): 170–183, <https://doi.org/10.1080/13537121.2022.2041304>.

²⁹ Dmitri Trenin, *Should We Fear Russia?* (Cambridge: Polity Press, 2016), 102–105.

³⁰ Babak Rezvani, "Russian Foreign Policy and Geopolitics in the Post-Soviet Space and the Middle East: Tajikistan, Georgia, Ukraine and Syria," *Middle Eastern Studies* 56, no. 6 (2020): 878–899, <https://doi.org/10.1080/00263206.2020.1775590>.

³¹ Richard Nephew, *The Art of Sanctions: A View from the Field* (New York: Columbia University Press, 2018), 201–205.

and to limit its regional influence; however, rather than easing tensions, this policy has actually further deepened tensions between Iran, Israel and the United States in the Middle East.³²

Contrary to their intended purpose, the pressure exerted by these economic sanctions has not significantly hindered the Iranian regime in developing its nuclear technology, particularly in the field of uranium enrichment. In early 2021, coinciding with the inauguration of President Joe Biden, Iran officially announced that it had resumed enriching uranium to 20 percent at the Fordow facility, as part of its response to the failure to implement the previous nuclear deal. Subsequent reports from the International Atomic Energy Agency indicate that Iran has succeeded in accumulating around 17.6 kg of uranium enriched to that level in a relatively short period of time, marking a significant increase in its nuclear capacity.³³

This rapid expansion of nuclear capabilities has, in turn, altered Israel's security calculations, as it views this as an existential threat to its national security.³⁴ In an effort to hinder this progress, various covert operations were carried out, including the assassination on November 27, 2020, of Mohsen Fakhrazadeh, known as the chief architect of Iran's nuclear program, in an operation believed to have involved Israeli intelligence. Furthermore, in April 2021, a major explosion occurred at the Natanz uranium enrichment facility, causing significant disruption to Iran's nuclear production for several months. Another attack was also reported to have taken place in June 2021 near the city of Karaj, targeting a facility belonging to TESA, one of Iran's leading centrifuge manufacturers, and was carried out using drone technology.³⁵

This series of covert operations and relentless pressure ultimately led to an escalation that could no longer be contained. As the culmination of a long series of escalations between Iran and Israel, the open conflict that broke out in February 2026 marked a significant shift from a pattern of shadow warfare towards direct military confrontation between the two states. These dynamics can be analyzed in depth through Stephen Walt's 'Balance of Threat' theory, which asserts that a state's strategic response is triggered by its perception of a combined threat arising from an enemy's geographical proximity, offensive capabilities and aggressive intentions.³⁶ For Israel, the combination of Iran's uranium enrichment capacity, which is approaching weapons-grade levels, and the territorial encirclement by a network of proxies places Tehran at the very top of the spectrum of existential threats. It is based on this perception that Israel, with the strategic support of the United States, has launched strikes targeting Iran's nuclear facilities, military installations and strategic infrastructure as part of a pre-emptive effort in line with the Begin Doctrine, which aims to prevent Tehran from acquiring military nuclear capabilities.³⁷ From Israel's security perspective, this move is seen as a form of anticipatory self-defense against a real threat, given Iran's growing uranium enrichment capabilities and the expansion of its military influence in the region.³⁸

³² Trita Parsi, *Losing an Enemy: Obama, Iran, and the Triumph of Diplomacy* (New Haven: Yale University Press, 2017), 310–315.

³³ David Albright and Sarah Burkhard, *Analysis of IAEA Iran Verification and Monitoring Report* (Washington, D.C.: Institute for Science and International Security, 2021), 4–6.

³⁴ Avner Cohen, *Israel and the Bomb* (New York: Columbia University Press, 2010), 289–292.

³⁵ Mark Fitzpatrick, *Iran's Nuclear, Chemical and Biological Capabilities* (London: International Institute for Strategic Studies, 2021), 45–48.

³⁶ Stephen M. Walt, *The Origins of Alliances* (Ithaca: Cornell University Press, 1987), 21–26.

³⁷ International Crisis Group, *The Iran-Israel Escalation and Regional War Risks* (Brussels: ICG, 2026), 1–3.

³⁸ Kenneth N. Waltz, "Why Iran Should Get the Bomb: Nuclear Balancing Would Mean Stability," *Foreign Affairs* 91, no. 4 (2012): 2–5, <http://www.jstor.org/stable/23218033>.

On the other hand, Iran interpreted the attack differently, namely as a serious violation of the country's sovereignty and the principles of international law, and consequently responded with retaliatory strikes using missiles and drones against Israeli targets and US military interests in the region. From the perspective of Fiqh Daulah, this measured military response by Iran reflects the application of *Siyāsah al-Harb* (the jurisprudence of war) in a defensive manner, in order to safeguard the state's continued existence (*hifz al-daulah*) from total destruction resulting from full-scale open warfare (total war),³⁹ a principle that is consistent with Ibn Taymiyyah's view regarding the ruler's obligation to minimise harm (*mafsadat*). It is therefore clear that this escalation in February 2026 was not triggered solely by nuclear factors, but rather by the accumulation of ideological tensions, geopolitical rivalries, and the dynamics of regional alliances that have taken shape since the 1979 Iranian Revolution. This conflict is, in essence, a manifestation of a long-standing, multidimensional conflict in which security, ideology, and strategic interests intertwine, giving rise to an increasingly open and destructive pattern of confrontation.

International Law and the Paradox of Muslim States' Sovereignty in Conflict Zones

The escalation of the armed confrontation between Iran and Israel is fundamentally rooted in violations of the two main pillars of contemporary international law: territorial sovereignty and diplomatic immunity.⁴⁰ The attack on the Iranian consular premises in Damascus, Syria, constitutes a direct violation of Article 22 of the 1961 Vienna Convention on Diplomatic Relations. This legal instrument unequivocally guarantees the principle of inviolability, namely that diplomatic missions are immune from any external interference. The conduct of military operations within the territory of a third country, such as Syria, without lawful authorization constitutes a clear violation of Article 2(4) of the Charter of the United Nations (UN).⁴¹ This provision expressly obliges every state to refrain from the threat or use of force that infringes upon the territorial integrity or political independence of another state.⁴² This dual violation of fundamental norms was the main catalyst that transformed the landscape of indirect confrontation into an open military conflict between states, thereby shifting the discourse from mere geopolitical tensions to a crisis of compliance with the international legal order.

In response to such initial violations, the military escalation launched in retaliation is often justified under the doctrine of self-defense, as set out in Article 51 of the UN Charter.⁴³ The invocation of this instrument in the Iran-Israel conflict has sparked a complex legal debate, particularly regarding the fulfillment of the criteria for an 'armed attack' and the principle of proportionality. Referring to the case law of the *International Court of Justice* (ICJ), specifically the Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004), paragraph 139, the Court interprets the inherent right to self-defense restrictively. That right can, in absolute terms, only be invoked in the event of direct armed aggression by one state against

³⁹ Kasman Bakry et al., "Political Dynamics of Muhammadiyah and Its Relevance to the Concept of the State in Islam," *Al-'Adalah* 17, no. 2 (2020): 383–396, <https://doi.org/10.24042/ADALAH.V17I2.6824>.

⁴⁰ United Nations, *Vienna Convention on Diplomatic Relations*, April 18, 1961, Treaty Series, vol. 500, art. 22, 95.

⁴¹ Fahad Al Aghbari et al., "The Status, Procedure, and Implementation of International Conventions In The Omani Constitution and Legislation," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 26, no. 1 (May 2026): 59–74, <https://doi.org/10.30631/ALRISALAH.V26I1.1896>.

⁴² United Nations, *Charter of the United Nations*, October 24, 1945, 1 UNTS XVI, art. 2(4), 3.

⁴³ United Nations, *Charter of the United Nations*, art. 51, 10–11.

another.⁴⁴ The mutual claims of pre-emptive and anticipatory self-defense, which go beyond the ICJ's strict interpretation, create a legal anomaly in which the terminology of national security is exploited solely to legitimize massive-scale retaliatory aggression, which, from a jurisprudential perspective, lacks any valid basis.

The deployment of uncrewed aerial vehicles and ballistic missiles in open military confrontation critically tests the belligerents' adherence to the cardinal principles of International Humanitarian Law (*jus in bello*). The 1949 Geneva Conventions, subsequently reinforced in specific terms by Additional Protocol I of 1977, imperatively set out the obligation to comply with Article 48 (the principle of distinction) and Article 51 (5) (b) (the principle of proportionality).⁴⁵ Article 48 of Protocol I of 1977 expressly states that: 'The Parties to the conflict shall at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives'.⁴⁶ This legal principle obliges every party to a conflict to make a clear distinction between legitimate military targets and the civilian population and civilian objects.⁴⁷ The use of cross-border projectiles with varying degrees of accuracy poses an inherent risk of massive collateral damage. A systemic failure to limit the scope of such hostilities not only risks breaching universal humanitarian protection norms, but also represents an erosion of commitment to the ethics and regulations of modern warfare.

The greatest paradox of this escalation within the framework of international law lies in the absolute vulnerability experienced by third states, particularly Muslim political entities in the Middle East. This phenomenon represents a stark discrepancy with the mandate of Article 2(1) of the UN Charter, which explicitly states that: "the Organization is based on the principle of the sovereign equality of all its Members".⁴⁸ This imperative norm should ensure that countries such as Jordan, Syria or Iraq enjoy an equal degree of sovereignty, which cannot be infringed upon by the warring parties. However, the reality of projectile trajectories and the penetration of their airspace by military air operations constitutes a clear manifestation of a secondary or collateral violation of sovereignty. This situation is further complicated by attacks on foreign military bases in Muslim countries such as Saudi Arabia, the United Arab Emirates, Qatar and Bahrain, which raise legal dilemmas regarding member states' obligation not to facilitate unlawful acts.⁴⁹ It is clear that contemporary international law has lost its binding force and lacks adequate enforcement mechanisms to protect the territories of non-belligerent states from the repercussions of escalation by warring parties.⁵⁰ This demonstrates that, although instruments for protecting sovereignty exist in theory, the architecture of international law is often paralyzed by the polarisation of global power, which ultimately poses a permanent existential threat to stability and the sovereignty of neighboring Muslim countries.

⁴⁴ International Court of Justice (ICJ), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, 136, para. 139.

⁴⁵ International Committee of the Red Cross (ICRC), *Geneva Conventions of 12 August 1949*, August 12, 1949, 75 UNTS 287; and *Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I)*, 8 June 1977, 1125 UNTS 3.

⁴⁶ ICRC, *Protocol Additional to the Geneva Conventions (Protocol I)*, Part IV, Sec. I, Chap. I, art. 48.

⁴⁷ Sahat Maruli Tua Situmeang et al., "Contemporary Human Rights Safeguards in Islamic Law Justice: A Comparative Study in Indonesia, Saudi Arabia, and Egypt," *MILRev: Metro Islamic Law Review* 5, no. 1 (April 2026): 575–610, <https://doi.org/10.32332/MILREV.V5I1.13066>.

⁴⁸ United Nations, *Charter of the United Nations*, art. 2(1).

⁴⁹ International Court of Justice (ICJ), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for Advisory Opinion): Written Statement of the Government of the Republic of Indonesia*, January 29, 2004, 9.

⁵⁰ Yati Nurhayati et al., "International Arbitration in Indonesia after Constitutional Court Decision No. 100/PUU-XXII/2024: The Urgency of Resolving Enforcement Challenges," *El-Mashlahah* 16, no. 1 (June 2026): 209–230, <https://doi.org/10.23971/EL-MASHLAHAH.V16I1.10669>.

Regional Sovereignty: Between International Legality and the Maqashid of Sharia

This protracted conflict does not merely pose a dilemma under international law; violations of the sovereignty of Muslim states also indirectly touch upon the principles of *Siyāsah Syar’iyyah*.⁵¹ Islam regards international relations as both an instrument of war and a code of conduct for states, known as the ‘principles of state behavior’, under which humanitarian norms and the law bind states. Broadly speaking, this principle obliges political authorities to prevent all forms of injustice against parties bound by a peace treaty.⁵² The government has a responsibility to maintain international peace and to respect entities that have concluded security agreements. Muhammad bin al-Hasan al-Shaybani emphasized,

wa law anna al-imāma wāda’a ahla baldatin, thumma qaṣadahum muslimun aw dhimmiyyun bi-ḡulmin, fa ‘alā al-imāmi daf’u dhālika ‘anhum

“If a ruler makes peace with the people of a country, and then a Muslim or a dhimmi intends to wrong them, it is the ruler’s duty to prevent such wrongdoing against them.”⁵³

This limitation inherently requires that every military maneuver must always be subject to the principle of *al-wafa’ bi al-’uqud wal aman*, namely the principle of respect for agreements and for security and stability.⁵⁴ Consequently, unilateral actions that endanger the sovereign territory of a neighboring state bound by the regional security consensus are categorized as a form of injustice (*zhulm*) that the political authorities must prevent.

The escalation of a confrontation involving projectiles fired into the sovereign airspace of another state without lawful coordination constitutes a clear violation of the principle of the protection of peaceful entities. The status of the affected states, such as Jordan and Iraq, is categorized in *fiqh* as *al-muwada’in*. The parties bound by the peace agreement, whose security must be guaranteed against all forms of military aggression, whether direct or in the form of collateral damage. The obligation of Muslim leaders to prevent oppression by fellow Muslims against those covered by the peace agreement demonstrates that a state’s right to self-defense must not be exercised in a manner that infringes upon the territorial integrity of fellow Muslims. This is because it appears to establish a code of conduct for states that focuses not only on military victory, but also on compliance with a global socio-political contract that guarantees collective security.

The doctrine of defense in Islamic state theory is also rooted in the principle of *ḥimāyat al-bayḍah*. This principle governs the full protection of the state’s, or the *ummah*’s, very essence and the defense of its territorial boundaries.⁵⁵ Abu al-Hasan al-Mawardi identified the third duty of the leadership as: “*ḥimāyat al-bayḍah wa al-dhabb ‘an al-ḥarīm; li-yataṣarrafa al-nāsu fī al-ma’āyish, wa yantashirū fī al-asfār āminīn min taghrīr bi nafsin aw māl.*”⁵⁶ It is the duty of the authorities in charge

⁵¹ Muannif Ridwan et al., “Reconciliation of Human Rights, Positive Law, and *Siyāsah Syar’iyyah*: An Innovative Approach to Addressing Human Rights Issues in the Contemporary Era,” *MILRev: Metro Islamic Law Review* 4, no. 1 (June 2025): 463–487, <https://doi.org/10.32332/MILREV.V4I1.10433>.

⁵² Saim Kayadibi, “The Theory of *Syar’ah* Oriented Public Policy,” *AHKAM: Jurnal Ilmu Syariah* 15, no. 2 (July 2015): 171–180, <https://doi.org/10.15408/AJIS.V15I2.2861>.

⁵³ Muḥammad ibn al-Ḥasan al-Shaybānī, *Sharḥ Kitāb Al-Siyar al-Kabīr*, ed. Muḥammad Ḥasan Ismā’īl al-Shāfi’ī (Beirut: Dar al-Kotob al-Ilmiyah, 1997), 112.

⁵⁴ Rizki Damayanti, “The Relevance of *Fiqh Siyāsah Dauliyah* and Religion as Indonesian Soft Power in International Relations,” *De Jure: Jurnal Hukum Dan Syar’iah* 15, no. 2 (December 2023): 343–365, <https://doi.org/10.18860/J-FSH.V15I2.23371>.

⁵⁵ Saim Kayadibi, “The State As an Essential Value (*Ḍarūriyyāt*) of The *Maqāṣid al-Sharī’ah*,” *AHKAM: Jurnal Ilmu Syariah* 19, no. 1 (July 2019): 1–18, <https://doi.org/10.15408/AJIS.V19I1.6256>.

⁵⁶ Abū al-Ḥasan al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah* (Cairo: Dar al-Hadith, n.d.), 40.

to protect the core of the defense system and uphold the honor of the territory. This is because the security of the territory has a significant impact on people's livelihoods and their ability to travel without threat to their lives or property. Although the attack on Iranian diplomatic facilities in Damascus constitutes a grave violation that calls for measures to safeguard sovereignty, the implementation of defensive measures must absolutely guarantee public economic stability and civil mobility. If a military response in the form of cross-border missile strikes were to paralyze the regional airspace of neighboring countries, particularly Muslim nations, thereby threatening the lives of their populations and weakening the regional economy, then such action would, in essence, defeat the very purpose of safeguarding sovereignty.⁵⁷ Defence manoeuvres should not be carried out using means that ultimately undermine the comprehensive security guarantees for the Muslim community as a whole.

Particularly in the use of weapons, this conflict over sovereignty indirectly violates the principles of *tamyīz* and proportionality. Ibn Rushd emphasizes that the consensus of the jurists strictly prohibits the killing of children and women,⁵⁸ as well as the destruction of civilian infrastructure and acts that may exceed the bounds of warfare.⁵⁹ This is because the deployment of a fleet of drones and missiles with widespread destructive power in the midst of a densely populated area carries a high risk of violating the fundamental principle of *fiqh al-siyar*, namely the protection of non-combatants and public facilities. Wahbah al-Zuhayli stated that the principle of military necessity is limited by the rule *al-dharuratu tuqaddaru bi qadariha*,⁶⁰ meaning that an emergency is assessed according to its severity.⁶¹ Consequently, the use of weapons of mass destruction in modern warfare automatically nullifies the legal legitimacy of an attack. This is because their destructive power extends beyond combatants, with fatal consequences for civilians and ecosystems. Such disproportionate actions are categorized as a form of corruption (*fasad*) on the face of the earth, which is expressly prohibited by Islamic law.⁶² Similarly, any military maneuver that is predicted to invite deeper foreign intervention or cause more widespread harm (*mafsadah*) to the Islamic world must be avoided to preserve the integrity of sovereignty from external domination, in accordance with the principle of *taḥṣīn al-thughūr* within the framework of *sadd al-dhara'i*.⁶³

⁵⁷ Rudi Natamiharja et al., "Balancing Two Conflicting Perspectives on Wiretapping Act: Rights to Privacy and Law Enforcement," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 2022): 18–30, <https://doi.org/10.30631/ALRISALAH.V22I1.1226>.

⁵⁸ Muḥammad ibn Rushd, *Bidāyat Al-Mujtahid Wa Nihāyat al-Muqtaṣid*, ed. Fārid 'Abd al-'Azīz al-Jundī (Cairo: Dār al-Ḥadīth, 2004), 2:146.

⁵⁹ ibn Rushd, *Bidāyat Al-Mujtahid*, 2:148.

⁶⁰ Wardatun Nabilah et al., "Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 2025): 137–151, <https://doi.org/10.31958/JURIS.V24I1.11882>; Abidin Nurdin et al., "Tujuan Hukum Islam Untuk Kemaslahatan Manusia: Penerapan Kaidah Fiqhiyah Dalam Bidang Ekonomi Dan Hukum Keluarga," *El-Usrah: Jurnal Hukum Keluarga* 5, no. 1 (August 2022): 41–55, <https://doi.org/10.22373/UJHK.V5I1.14665>.

⁶¹ Wahbah al-Zuhayli, *Āthār Al-Ḥarb Fī al-Fiqh al-Islāmī*, 3rd ed. (Damascus: Dār al-Fikr, 1998), 549–555.

⁶² Gregorius Widiartana and Sajjad Hussain, "Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law," *Nusantara: Journal of Law Studies* 4, no. 01 (July 2025): 1–11, <https://doi.org/10.5281/ZENODO.17346796>.

⁶³ Al-Fara' applied the principle of *sadd al-dhara'i* to formulate the rule that *taḥṣīn al-thughūr bi al-'uddah al-māni'ah wa al-quwwah al-dāfi'ah, ḥattā lā tazfar al-a'dā' bi-ghurrah yantahikūna bihā muḥarraman wa yasfikūna fihā damman li-muslim aw mu'āhid*. Strengthening the borders (defense zones) with defensive weaponry and repelling force is obligatory, so that the enemy does not gain an opportunity to violate what is forbidden and shed the blood of a Muslim or a person with a peace treaty (*mu'ahad*), see: Abū Ya'la al-Farrā', *Al-Aḥkām al-Sulṭāniyyah*, 2nd ed., ed. Muḥammad Ḥāmid al-Fiqī (Beirut: Dār al-Kutub al-'Ilmiyyah, 2000), 27.

At the macro level, all political and military policies must serve the maqāṣid of governance. As Ibn Taymiyyah asserted, the ultimate purpose of authority is the betterment of the people's religious and worldly welfare, the twin pillars upon which the integrity of religion itself rests.⁶⁴ Such an approach requires every state authority to prioritize the public good over individual political prestige or group interests. Escalations that trigger global economic instability, rising energy prices, and security vulnerabilities in other countries, particularly Muslim nations, constitute a tangible form of worldly harm. The Qur'an prohibits any exercise of power that leads to the destruction of the foundations of life, such as destroying *al-harts* (resources) and *al-nasl* (future generations). As stated in Surah al-Baqarah, verse 205:

"When he leaves, he sets out to spread corruption in the land, destroying crops and livestock God does not like corruption"

Imam al-Qurthubi interprets *al-harts* and *al-nasl* as the cornerstones of human existence and stability (*qiwaṁ al-insan*). This verse contains a universal principle that prohibits all forms of corruption (*fasad*), whether physical, financial (*mal*), or religious.⁶⁵ Similarly, Muhammad ath-Thahir bin 'Asyur emphasizes that *al-harts* and *al-nasl* are not biological entities, but rather metaphors for everything that forms the basis of human existence and way of life. Furthermore, Ibn 'Asyur links the term *fasad* in that verse to a violation of the principle of military proportionality (*al-dharuratu tuqaddaru bi qadariha*).⁶⁶ Therefore, political arrogance (*al-'izzah bil-itsm*), which drives a state to uphold its own sectoral honor at the expense of economic stability and the safety of Muslims universally, constitutes a form of disruption to the global order that is absolutely prohibited under Islamic jurisprudence.

The protection of the sovereignty of Muslim states must be viewed as an integral and indivisible part of regional integrity. Ideological animosity in the Iran-Israel conflict must not be used to justify disregarding the sovereign rights of third parties, as mandated by the principle of absolute justice in Surah al-Maidah, verse 8. Wahbah al-Zuhaili menggarisbawahi bahwa permusuhan terhadap suatu entitas tidak boleh mendorong seseorang untuk mengabaikan keadilan, karena keadilan wajib diterapkan kepada semua pihak tanpa diskriminasi, baik Kawan maupun lawan.⁶⁷ Abu Bakr al-Jashshash expanded upon this concept of justice to encompass the meaning of 'qawwamina lillah', that is, upholders of truth for the sake of Allah. The upholding of justice encompasses the universal duty to uphold the order of what is right (*'ma'ruḥ*) and to prevent what is wrong (*'mungkar*) in all spheres.⁶⁸ This is a prerequisite for Muslims to hold moral authority on the global stage. Using this conflict as a pretext to violate the territorial boundaries of other Muslim nations is not only an act of injustice, but also undermines the moral standing of Muslims under international law. In contemporary public legal discourse, interpreting Islamic foreign policy must adapt to the realities of the global order. Any maneuver carried out in the name of the national interest cannot be justified

⁶⁴ Ibn Taymiyyah said, "wal-maqṣudu al-wajibu bil-wilayat: ishlahu din al-khalq wa ishlahu ma la yaqumu ad-dinu illa bihi min amri dunyahum," that the essential purpose of leadership is to improve the religious life of the people and to improve their worldly affairs, without which religion cannot stand, see: ibn Taymiyyah, *Al-Siyāsah al-Shar'īyyah*, 21.

⁶⁵ Abū 'Abd Allāh Muḥammad ibn Aḥmad al-Anṣārī al-Qurṭubī, *Al-Jāmi' Li- Aḥkām al- Qur'ān*, al-Thāniya, vol. 6, ed. Aḥmad al-Bardūnī and Ibrāhīm Aṭfīsh (al-Qāhirah: Dār al-Kutub al-Miṣriyyah, 1964), 3: 16–18.

⁶⁶ Muḥammad aṭ-Ṭāhir Ibn 'Āshūr, *At-Taḥrīr Wa at-Tamwīr* (Tūnis: Ad-Dār at-Tūnisīyyah, 1984), 2: 265–272.

⁶⁷ Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr Fī al-'Aqīdah Wa al-Sharī'ah Wa al-Manhaj*, 1st ed. (Damascus: Dār al-Fikr, 1991), 6: 117–120.

⁶⁸ Aḥmad ibn 'Alī al-Jaṣṣās, *Aḥkām Al-Qur'ān*, 1st ed., ed. 'Abd al-Salām Muḥammad 'Alī Shāhīn (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), 2: 496.

if, in practice, it undermines the prospects for peaceful coexistence between nations.⁶⁹ Tindakan strategis yang paling selaras dengan visi syariat adalah de-eskalasi yang mengutamakan keamanan kedaulatan regional. Langkah ini krusial untuk memastikan bahwa integritas suatu negara Muslim tidak menjadi korban kolateral bagi konfrontasi bersenjata yang merugikan kepentingan kolektif umat Islam di mata dunia internasional.

Implications for the Sovereignty of Muslim States: Action and Advocacy

The convergence of the paralysis of international legal instruments and the failure to implement *Siyāṣah Syar'iyah* has placed Muslim states in the Middle East on the brink of existential vulnerability. This failure to safeguard sovereignty can be traced back to Wael B. Hallaq's fundamental critique, which exposes the nature of the modern state; where sovereignty is legitimised solely on the basis of a monopoly on physical force, without being accompanied by a sociomoral force, and is therefore highly susceptible to becoming alienated from the universal values of Islam.⁷⁰ When the instruments of the UN Charter are reduced to mere paper tigers by political vetoes from global powers, and the concept of *himayat al-baydah* (core territorial protection) is disregarded in favor of tactical maneuvers by the warring parties, neighboring Muslim states are de facto reduced to mere buffer states. This reality underscores that the sovereignty of Muslim states can no longer be relied upon solely on the passive guarantees of orthodox international law, but rather demands a reconceptualization of the regional security architecture and an adaptation of Sharia-based political governance to address the challenges of modern globalization.⁷¹

This existential vulnerability is further exacerbated by the state-centric security paradigm adopted by some Arab regimes, which compromises sovereignty through asymmetrical alliances with extra-regional powers. Ewan Stein explains that the security architecture of the Middle East is often manipulated by regimes seeking competitive support from foreign powers rather than building self-reliant defenses.⁷² From the perspective of *Siyāṣah Dauliyah*, reliance on foreign defense pacts and the provision of territory for proxy military bases clearly run counter to the principle of *sadd al-dhara'i* (preventing the means of harm), as such measures open the door to hegemonic intervention that fuels the escalation of conflict.⁷³ Muslim countries must therefore assert their absolute sovereignty by demilitarising their airspace of foreign elements and refusing to provide military support to any party involved in the conflict.

⁶⁹ Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), 137. Specifically, An-Na'im asserts that the fundamental purpose of the international legal system is to promote peaceful coexistence. See also An-Na'im's rejection of the use of religious justifications that could undermine international peace on 64.

⁷⁰ Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013), 25–28; Ali Sadiqin and Anwar M. Radiamoda, "Dinamika Konstitusi Islam: Dari Periode Kekhilafahan Hingga Nation-State: Dinamika Konstitusi Islam: Dari Periode Kekhilafahan Hingga Nation-State," *Journal of Islamic Law* 2, no. 2 (August 2021): 138–167, <https://doi.org/10.24260/JIL.V2I2.241>.

⁷¹ Masykuri Abdillah, "Sharia and Politics in The Context of Globalization and Society 5.0," *AHKAM: Jurnal Ilmu Syariah* 22, no. 2 (December 2022): 263–286, <https://doi.org/10.15408/AJIS.V22I2.28959>; Yuliia Leheza et al., "Sustainable Development of Intellectual Property Legislation as a Component of National Security," *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 359–377, <https://doi.org/10.66325/NUSANTARALAW.V5I1.269>.

⁷² Ewan Stein, *International Relations in the Middle East: Hegemonic Strategies and Regional Order* (Cambridge: Cambridge University Press, 2021), 1–3.

⁷³ Cholida Hanum, "Perda Syariah Perspektif Ketatanegaraan Dan Siyasah Dusturiyyah," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 4, no. 2 (2019): 119–129, <https://doi.org/10.22515/alahkam.v4i2.1530>.

To articulate this rejection effectively, Muslim countries are called upon to transform themselves from mere geopolitical objects into decisive actors through collective diplomacy. This strategic transformation requires institutionalizing justice, accountability, and good governance in accordance with the principles of *al-Siyasah al-Syar'iyah* to prevent the abuse of power that could weaken the diplomatic bargaining power of Muslim countries on the global stage.⁷⁴ The macro-level measure that must be implemented is the revitalization of regional institutions, such as the Organization of Islamic Cooperation (OIC), so that they function as a binding collective security pact.⁷⁵ By combining the mandate of Chapter VIII of the UN Charter with the Sharia philosophy of *al-ta'awun' ala al-birr wa al-taqwa* (cooperation in righteousness and piety), the bloc of Muslim states must formulate a doctrine of collective defense which holds that the violation of a Muslim state's airspace by a foreign entity constitutes an open act of aggression against the sovereignty of the entire region.

In the realm of global legal advocacy, Muslim countries have a duty to spearhead the redefinition of the doctrines of proportionality and the right to self-defense, which Western-centered interpretations have hitherto monopolized. Mashood A. Baderin emphasized that discrepancies in international legal standards can, in fact, be rectified and harmonized provided that Muslim countries reformulate them within the moral framework of Islamic law (within its themes).⁷⁶ Muslim jurists and diplomats are therefore called upon to shake off their intellectual 'lethargy' and engage critically in breaking down the structures of domination in international law-making.⁷⁷ They must bring this precedent of a 'collateral sovereignty violation' before the International Court of Justice (ICJ) by synthesizing arguments based on contemporary *jus in bello* protections and the principle of *tamyiz* (distinction) in *Fiqh al-Siyar*.

The rationale for this entire spectrum of collective mitigation measures lies in the imperative to preserve the order of civilization (*hifzh al-nizam al-'amm*). Accommodating or allowing a conflict to drag on and escalate without structured diplomatic intervention is tantamount to tolerating the systemic destruction of Islamic civilization. This conclusion is in line with Mohammad Hashim Kamali's view that the essence of the *maqashid al-shari'ah* must not be confined to a rigid, textualist interpretation, but must instead be grounded in flexibility to promote the common good and prevent harm across all ages.⁷⁸ The dynamics of *maṣlaḥah* (public interest) must serve as the methodological foundation for reinterpreting Islamic legal obligations in the contemporary context, through an integralist approach that encompasses the universal protection of benefits (*jalb al-manāfi'*) and the prevention of harm (*dar' al-mafāsīd*).⁷⁹ Ultimately, the synergy between the rigor of international

⁷⁴ Salah Ud Din, Sharifah Hayaati Syed Ismail, and Raja Hisyamudin Raja Sulong, "Combating Corruption Based on Al-Siyasah al-Syar'iyah Perspective: A Literature Review," *International Journal of Ethics and Systems* 40, no. 4 (2024): 776–807, <https://doi.org/10.1108/IJOES-12-2022-0312>.

⁷⁵ Abdurrahim, Mira Nila Kusuma Dewi, and Saba Mohammad Mustafa Albool, "Substantive Deliberation in Pancasila Democracy: Integrating Shura and Maqasid al-Shariah," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 26, no. 1 (June 2026): 348–363, <https://doi.org/10.19109/NURANI.V26I1.34210>.

⁷⁶ Mashood A. Baderin, *International Human Rights and Islamic Law* (Oxford: Oxford University Press, 2003), 1–2.

⁷⁷ Fajri Matahati Muhammadin and Shania Dwini Azzahra, "The Role of Fiqh al-Siyar in International Law-Making: Escaping the Lethargy," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022): 509–546, <https://doi.org/10.14421/ajis.2022.602.509-546>.

⁷⁸ Mohammad Hashim Kamali, *Maqasid Al-Shari'ah Made Simple* (London: The International Institute of Islamic Thought, 2008), 1–4.

⁷⁹ Muhammad Harfin Zuhdi and Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (October 2024): 1818–1839, <https://doi.org/10.22373/SJHK.V8I3.24918>; Abdul Mukti Thabrani, "Maqashid Revitalization in Global Era: Istidlal Study from Text to Context," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (December 2018): 310–333, <https://doi.org/10.19105/AL-LHKAM.V13I2.1814>.

legal mechanisms and the depth of *Siyāsah Syar'iyah*'s political ethics converges on one absolute postulate: the sovereignty of Muslim states can only be preserved if they transcend their fragmented geopolitical existence and act collectively to isolate all forms of aggression.

Conclusion

This study concludes that the Iran-Israel escalation has exposed the fragility of the international legal architecture while simultaneously creating a profound anomaly in Islamic governance ethics. Under International Law, Article 51 of the UN Charter has been paralyzed by the politicization and double standards of global powers, rendering it incapable of preventing collateral sovereignty violations against third-party Muslim states. Conversely, *Fiqh al-Siyar* and *Siyāsah Syar'iyah* unequivocally reject cross-border military maneuvers that sacrifice neighboring states, as they contravene *al-wafa' bi al-ʿuqud* (respect for treaties), violate the principle of *tamyīz* (proportionality), and undermine *himayat al-baydah* (collective territorial defense). Escalation that threatens regional economic stability and civilian safety constitutes tangible *fasād* (corruption), which nullifies the moral and legal legitimacy of any self-defense claim.

Consequently, this study calls for a fundamental reconceptualization of Middle Eastern security architecture. Muslim states can no longer passively rely on orthodox legal instruments vulnerable to hegemonic distortion. A paradigm shift toward an independent, proactive collective defense pact is imperative. Future research must move from normative discourse to institutional policy analysis, examining the implementation of *sadd al-dhara'i* (blocking the means of harm) through the OIC to establish a legally binding security charter. Empirical investigations into the socio-economic and ecological impacts on buffer states are also urgently needed to strengthen collective litigation advocacy at the International Court of Justice.

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