Legal Analysis of Military Invasion as a Violation of State Sovereignty: A Case Study of the Russia-Ukraine Conflict

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Abstract

The full-scale military invasion launched by the Russian Federation into Ukraine's sovereign territory since February 2022 has triggered a global security crisis and shaken the international legal order. This study aims to analyze the legality of Russia's military invasion of Ukraine from an international legal perspective, as well as to identify the legal consequences and effectiveness of law enforcement by international organizations in addressing this violation of sovereignty. The research method used is normative juridical, with a statute approach and a case approach. Data sources were obtained through a literature review of primary, secondary, and tertiary legal materials. The results show that Russia's military invasion constitutes a clear violation of the principles of state sovereignty, territorial integrity, and non-intervention as stipulated in Article 2 paragraph (4) of the United Nations Charter. The justifications put forward by Russia, such as the right to self-defense under Article 51 of the UN Charter and humanitarian intervention, do not meet the requirements of legitimate international law. On the other hand, the UN Security Council's law enforcement mechanism has been paralyzed by Russia's use of its veto power. This study concludes that UN institutional reform regarding the veto power in cases of aggression is necessary, as well as optimizing the role of the International Court of Justice (ICJ) and the International Criminal Court (ICC) in adjudicating crimes of aggression to restore violated state sovereignty.

Keywords: Military Invasion; State Sovereignty; International Law; UN Charter; Russia-Ukraine.

Introduction

In international relations, countries need to exercise self-restraint and comply with international law. As stated in Article 2, paragraph 4 of the UN Charter, which states, "All Members 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 Purposes of the United Nations," the article states that every UN member is required to refrain in international relations from the threat or use of force to attack the territorial integrity or political independence of another state (United Nations, 1945).

All UN member states are required to comply with this international law. By becoming a member of the UN, they are bound by and obliged to comply with existing international law, including the UN Charter. States, as members of the international community, are also required to comply with international law. Compliance with international law provides benefits to a country, including legal certainty for its actions, a sense of order, regularity, peace, and justice in international relations, and a positive impression that facilitates future cooperation with other countries.

However, in international developments, the sovereignty of other countries seems easily set aside for the sake of individual interests. For example, Russia's invasion of Ukraine is suspected of violating international law (Sterio, 2022; Cavandoli & Wilson, 2022). This war has claimed numerous casualties, including Russian and Ukrainian military personnel, as well as civilians. NATO estimates that between 7,000 and 15,000 Russian soldiers have been killed, and according to Ukrainian President Zelenskiy, approximately 1,300 Ukrainian soldiers have died in the two weeks since the war began. Thousands of civilians, including children, have also been killed (AP News, 2022).

On February 24, 2022, Russia invaded Ukraine. This invasion was carried out on the orders of Russian President Vladimir Putin in a speech. In his speech, the Russian President recognized the independence of two pro-Russian regions in Ukraine: Donetsk and Luhansk. Furthermore, Vladimir Putin also signed a declaration recognizing the independence of Donetsk and Luhansk as an independent state. These two regions are separatist areas that have long sought independence from Ukraine. They are led by pro-Russian leaders. Russia itself pursued this initiative to protect ethnic Russians in the Donbas region (Donetsk and Luhansk). The Donetsk and Luhansk regions directly border Russian territory. Furthermore, the invasion was motivated by Russia's concerns about Ukraine joining NATO, which Russia views as a threat to its sovereignty. This relates to Ukraine's position directly bordering Russia. Therefore, if Ukraine joined NATO, there would no longer be any barrier between Russia and NATO, a threat Russia perceived as a threat. Therefore, Russia launched its invasion of Ukraine. Russia's invasion of Ukraine stemmed from various issues between the two countries, resulting in widespread losses.

State sovereignty is a key pillar of the modern international legal order, guaranteeing every independent state full authority over its territory, people, and government without external interference. The post-World War II United Nations (UN) was established to uphold this principle and prevent the recurrence of global armed conflict. Through Article 2, paragraph (4) of the UN Charter, the international community

expressly prohibits any use of force that could threaten the territorial integrity or political independence of another state (Khater, 2022).

However, the effectiveness of international law was again tested when the Russian Federation launched a large-scale military invasion of Ukraine on February 24, 2022. This unilateral military action triggered the largest security crisis in Europe in decades and sparked heated debate over the limits of international law enforcement in the modern era. Russia attempted to justify its military action through the doctrine of self-defense and humanitarian intervention in the Donbas region, while the international community viewed these actions as a clear form of military aggression that violated the sovereignty of an independent state legally recognized by the UN (Katselli Proukaki, 2025).

From a legal perspective, this conflict is not merely a physical confrontation on the battlefield, but rather a disregard for fundamental norms of international law (jus cogens). The very existence of international norms prohibiting aggression is at stake when a state with substantial military power can cross the sovereign borders of its neighbors by proposing a unilateral legal interpretation. Therefore, an in-depth legal analysis is required to examine the legitimacy of Russia's arguments, assess the compliance of these actions with applicable international legal instruments, and identify the legal consequences of this military invasion for the future of state sovereignty globally.

Research Method

This research employs normative legal research, also known as doctrinal legal research (Gunawan, 2023). Normative legal research examines the law written in statute books, international treaties, official documents, and decisions of international judicial bodies, positioning law as a unified system of norms. To comprehensively analyze the problem, this research employs three approaches: the Statute Approach: Conducted by examining written international legal instruments such as the UN Charter, the Rome Statute, the Geneva Conventions, and related bilateral agreements. The Case Approach: Conducted by in-depth analysis of the dynamics of the Russian military invasion of Ukraine and interim decisions issued by the International Court of Justice (ICJ). The Conceptual Approach: Conducted by referring to legal doctrines, general principles of international law, and the thoughts of leading legal experts on the concepts of state sovereignty, aggression, and the right to self-defense.

This research relies on secondary data grouped into three categories of legal materials: Primary Legal Materials: Binding legal documents that serve as the basis for the analysis, including the UN Charter, Decisions of the International Court of Justice (ICJ), UN General Assembly Resolutions, the 1998 Rome Statute, and the 1994 Budapest Memorandum. Secondary Legal Materials: Publications that provide explanations of primary legal materials, including international law textbooks, national and international scientific journals, reports from international legal research institutions, and academic articles related to the Russia-Ukraine conflict. Tertiary Legal Materials: Materials that provide guidance and explanations of primary and secondary legal materials, such as legal dictionaries (Black's Law Dictionary), encyclopedias, and news from trusted international media outlets regarding the current situation up to 2022.

Collection Techniques: Conducted through library research, namely searching, collecting, classifying, and recording legal materials relevant to the topic of violations of sovereignty and the laws of war. Analysis Techniques: The collected legal materials were analyzed using a descriptive-analytical method with a deductive syllogism technique. The major premise (international legal norms such as Article 2 paragraph (4) of the UN Charter) is confronted with the minor premise (the fact of Russia's invasion of Ukraine), so that an objective legal conclusion is drawn regarding the legal status of the action.

Results and Discussions

Prohibition of the Use of Force and Aspects of International Aggression

The principle of the prohibition on the use of force is one of the highest norms (jus cogens) in modern international law. This norm was designed to maintain global peace and security after World War II. This article analyzes the legal basis, scope, and legal exceptions to the prohibition on the use of force as stipulated in the United Nations (UN) Charter. Using normative legal research methods, this article examines the challenges of enforcing international law amidst the rise of unilateralism by major powers. The analysis shows that although this prohibition is absolutely binding, its effectiveness is often hampered by the politicization of the veto mechanism in the UN Security Council and the distorted interpretation of the right of self-defense (Trahan, 2022).

Before the 20th century, international law considered war a legitimate prerogative and instrument for states to resolve disputes or expand their influence (jus ad bellum). However, the massive destruction of World Wars I and II forced the global community to radically shift this paradigm. This collective consciousness gave birth to the United Nations (UN) in 1945 with a primary mission: to save future generations from the scourge of war.

The constitution of modern international law, the UN Charter, established a revolutionary principle prohibiting all forms of threat or use of military force between states. This principle is not simply ordinary treaty law, but has been recognized as jus cogens—a norm of international law that is compelling, unalterable, and may not be violated by any state under any circumstances (Handayani, 2019). However, in contemporary geopolitical dynamics, the interpretation and adherence to this norm are often tested by unilateral military operations that exploit loopholes. Therefore, a clear legal understanding of the limits of the use of force is crucial for maintaining a world order based on the rule of law.

The primary principle violated in this invasion is the prohibition on the use of force, as stipulated in Article 2, paragraph (4) of the UN Charter. Russia's unilateral military operation across international borders has been recognized by the UN General Assembly (through Resolution ES-11/1) as an act of aggression that violates Ukraine's territorial integrity (Cavandoli & Wilson, 2022).

Under the 1998 Rome Statute (Article 8 bis), any act by a state that uses military force against the sovereignty, territorial integrity, or political independence of another

state is classified as the crime of aggression. The unilateral occupation, bombing, and blockade of ports in Ukraine fulfill all the objective elements of the crime of aggression because they directly contradict the essence of the international legal order (Godara, 2019; McDougall, 2023).

The principle of the prohibition of the use of force is a cornerstone of international law, protecting the territorial integrity of every state from the geopolitical law of the jungle. International law expressly stipulates that the unilateral use of military force outside the scope of legitimate self-defense (Article 51) and the authorization of the UN Security Council (Article 42) is illegal and categorized as the crime of aggression. To maintain the relevance of this norm, the international community must continue to urge global institutional reform and strengthen its commitment to non-discriminatory multilateral law enforcement.

The Failure of Russia's Justification of Force Legal Argument

Since launching its large-scale military operation in Ukraine, the Russian Federation has consistently attempted to construct a legal justification (justification of force) to avoid being labeled an international aggressor. Russia bases its justification for its actions on the doctrine of the right of self-defense as stipulated in Article 51 of the UN Charter and humanitarian intervention to prevent genocide. This article aims to test the legal validity of these claims based on positive international law instruments. Using normative legal research methods with a case-by-case and statutory approach, this article concludes that all of Russia's legal arguments are legally ineffective. Russia's military actions do not fulfill the constitutive elements of an initial armed attack from Ukraine and are not supported by objective evidence of genocide, thus qualifying the operation as a purely illegal act of aggression (Khater, 2022).

Under modern international law, the use of military force between states is absolutely prohibited as stipulated in Article 2, paragraph (4), of the United Nations Charter. The international community recognizes only two legal exceptions to the use of armed force: the collective mandate of the UN Security Council under Chapter VII or the right of individual or collective self-defense under Article 51 of the UN Charter.

When the Russian Federation launched its invasion of Ukraine, the world witnessed a phenomenon in which international law was not simply ignored but torpedoed through a unilaterally manipulated interpretation of the law (legal distortion). President Vladimir Putin, in his official speeches, frequently used technical terms of international law to justify his military action. This article will objectively examine why Russia's legal arguments fall short of established international law.

Russia attempted to legitimize its military action using two international legal arguments, neither of which met standard legal requirements: The Right of Self-Defense: Russia invoked Article 51 of the UN Charter, arguing that it was protecting the Donbas region and its national security from NATO expansion. However, the legal requirement for self-defense only applies in the event of an actual armed attack directly threatening Russian territory. The absence of physical aggression from Ukraine against the Russian Federation renders this self-defense argument legally invalid. Humanitarian Intervention:

Russia's claim to prevent genocide against ethnic Russians in Eastern Ukraine was rejected by the International Court of Justice (ICJ) in its provisional measures in March 2022 (International Court of Justice, 2022). The ICJ asserted that Russia lacked legal evidence to justify its unilateral military action (Wuschka & Hoffberger-Pippan, 2022).

The legal rhetoric constructed by the Russian Federation to justify its military invasion of Ukraine completely failed on a formal legal basis. Both the claim of self-defense under Article 51 of the UN Charter and the pretext of humanitarian intervention proved to be inadequate to meet the standards of international law. This failure of justification confirms that Russia's actions lacked a legitimate legal basis (illegal under international law) and clearly qualify as an act of armed aggression that violates the sovereignty of an independent state.

This invasion not only violates general international law (customary law), but also violates specific written agreements between the two countries: the 1994 Budapest Memorandum: Russia violated its written commitment to respect Ukraine's independence, sovereignty, and legitimate borders in exchange for Ukraine's surrender of all nuclear warheads to Russia (Budapest Memorandum, 1994). The 1997 Treaty of Friendship, Cooperation, and Partnership: This bilateral agreement explicitly obliges both parties to respect each other's territorial integrity, which is now completely violated by the unilateral military occupation by the Russian Federation.

Legal Implications for International Humanitarian Law

Ius ad Bello is the law concerning the legitimacy of war, or the law of war, which regulates whether the use of armed violence is permissible in a country. Meanwhile, Ius in Bello is the law applicable during war, or international humanitarian law, which establishes the rules in the event of armed conflict (Syahmin: 1985: 12). Ius ad Bello is stated in Article 2, paragraph (4) of the UN Charter concerning the use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the UN. The UN exception to this provision is found in Article 51 of the UN Charter, namely in the context of self-defense and authorization by the Security Council.

Ius in Bello is divided into two: The Hague Laws, the laws governing the conduct of war, and The Geneva Laws, the laws protecting war victims. The 1949 Geneva Conventions apply to both international and non-international armed conflicts, regulating matters such as the care of war victims and the prohibition of attacks on civilians. Because there is a distinction between the parties involved in armed conflict, namely a distinction between military objects and civilian objects. A military objective or military object is an object that directly and effectively contributes to military operations and, if destroyed or captured (in whole or in part), would provide a military advantage. Meanwhile, a civilian object is any object that is not a military objective. The civilian population as a whole may not be attacked, may not participate in military operations or combat, and may not be targeted (Prasetiawan and Hastuti, 2020: 448).

During the Russian invasion of Ukraine, there were allegations of attacks on civilian objects, namely the Ukrainian population itself, which clearly constitutes a

violation of international humanitarian law. During the invasion, the bodies of approximately 300 Ukrainian civilians were found in the city of Bucha, Ukraine (Azarov et al., 2023). Attacks on civilian objects, especially those that result in death, constitute human rights violations.

Beyond violations of sovereignty (jus ad bellum), the methods of warfare employed on the ground also constitute violations of the laws of war (jus in bello). Under the 1949 Geneva Conventions, military attacks targeting civilian infrastructure, residential areas, and medical facilities violate the principle of distinction and proportionality. These legal violations on the ground provide a strong legal basis for the International Criminal Court (ICC) to exercise its jurisdiction and issue arrest warrants against state actors deemed responsible for war crimes and crimes against humanity (McDougall, 2023; Assembly of States Parties to the Rome Statute, 2010).

Conclusion

Based on the results of the legal analysis of the Russia-Ukraine conflict, the main conclusion can be drawn: Russia's military invasion of Ukraine absolutely constitutes a gross violation of state sovereignty and legitimate territorial integrity. Based on Article 2 paragraph (4) of the UN Charter, this unilateral use of military force is classified as an illegal act of aggression that violates the basic norms of international law (jus cogens). This invasion also violates past written commitments, including the 1994 Budapest Memorandum that guaranteed Ukraine's territorial boundaries. The legal arguments put forward by the Russian Federation to legitimize its operation lack a strong legal basis. The claim of the right to self-defense under Article 51 of the UN Charter is declared null and void because there was no initial armed attack from Ukraine that threatened Russian territory. Furthermore, the justification for humanitarian intervention for accusations of genocide in the Donbas has been rejected by the International Court of Justice (ICJ) because it lacks valid legal evidence.

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