
Global Military & International Regulation: Legal Dynamics In Strategic Alliances

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Abstract: *This article examines the legal dynamics of international law in the formation and implementation of strategic military alliances in the era of globalized security. The increasing expansion of defense cooperation among states reflects a shift from traditional security paradigms toward collective and cooperative security models. Nevertheless, military alliances remain subject to the framework of international law, particularly the provisions of the United Nations Charter, the principles of sovereignty, the prohibition on the use of force, and international humanitarian law. This research employs a normative juridical method with statutory, conceptual, and case-based approaches. The findings indicate that legal dynamics within strategic alliances are characterized by tension between military operational effectiveness and normative legal constraints, particularly regarding accountability, jurisdiction, and state responsibility. Therefore, harmonization between domestic regulations and international obligations, as well as strengthened accountability mechanisms in collective military operations, are essential to maintaining legitimacy and global security stability.*

INTRODUCTION

The evolution of global security dynamics in recent decades has demonstrated a significant shift from unilateral national defense paradigms toward collective military cooperation through strategic alliances. Military alliances no longer function merely as mechanisms of collective defense; they have increasingly become instruments of geopolitical consolidation, regional stabilization, and global power projection. This transformation is evident in the practices and expansion of organizations such as NATO, illustrating how strategic alliances shape the configuration of contemporary international security.

From the perspective of international law, the formation and implementation of military alliances remain subject to the normative framework established by the United Nations through the United Nations Charter. The prohibition of the use of force under Article 2(4) and the recognition of the inherent right of individual and collective self-defense under Article 51 affirm that defense

cooperation among states cannot be separated from the constraints of international law.¹ Accordingly, the legitimacy of strategic alliances depends on their conformity with global legal norms, including international humanitarian law and the principles of state responsibility.

Nevertheless, the practice of collective military operations often generates legal complexities, particularly regarding the allocation of responsibility, jurisdictional issues, and accountability for alleged violations of international law.² These challenges have become increasingly intricate with the emergence of new forms of conflict, such as cyber warfare, autonomous weapon systems, and hybrid warfare strategies, all of which test the adequacy of conventional regulatory frameworks. The tension between military rationality emphasizing operational effectiveness and strategic interests and legal rationality prioritizing normative limitations and the protection of humanitarian values constitutes a central dynamic in the study of contemporary strategic alliances.

Against this background, this article raises several fundamental questions: how does international law regulate the formation and implementation of strategic military alliances; how does the doctrine of state responsibility operate within collective military operations; and how does the tension between strategic interests and normative legal constraints affect the legitimacy of military alliances within the international system?

In line with these questions, this research aims to analyze the international legal foundations governing strategic alliances, examine the dynamics of state responsibility in collective operations, and identify normative challenges arising from technological developments and modern forms of conflict. Ultimately, this article seeks to contribute conceptually and normatively to strengthening the legitimacy and accountability of military alliances within the framework of international law.

THEORETICAL FRAMEWORK

The study of strategic military alliances and their regulation within international law requires a multidimensional theoretical approach, integrating insights from international relations theory and legal theory. Three key perspectives guide this analysis: realism, institutionalism, and normative legal theory.

1. Realist Perspective

Realism emphasizes that states operate in an anarchic international system where survival and power maximization are primary objectives.³ From this perspective, military alliances are primarily instruments to balance threats and project power. The realist view explains the strategic motivations behind the formation of alliances such as NATO, where member states coordinate defense policies to counter perceived geopolitical threats. However, realism also predicts that legal norms are often subordinate to strategic imperatives, highlighting the tension between operational effectiveness and legal compliance in collective military operations.⁴

¹ Charter of the United Nations, 26 June 1945, 1 UNTS XVI, Articles 2(4) and 51.

² International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, 2001, Article 4.

³ Kenneth N. Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979), 88–95.

⁴ Michael N. Schmitt, "Military Necessity and Humanity in International Humanitarian Law: Preserving the Principle of Distinction," *Virginia Journal of International Law* 50, no. 3 (2010): 795–812.

2. Institutional/Neoliberal Institutionalism Perspective

Institutionalism focuses on the role of international organizations, treaties, and formal rules in shaping state behavior.⁵ Strategic alliances are not purely expressions of power politics but also institutionalized frameworks that facilitate cooperation, reduce uncertainty, and enhance predictability among member states. From this viewpoint, the United Nations Charter, collective defense treaties, and Status of Forces Agreements (SOFAs) represent mechanisms to harmonize military actions with international law. Institutionalism explains how legal frameworks can constrain state behavior and promote accountability, even in highly strategic environments.

3. Normative Legal Perspective

Normative legal theory provides a framework to analyze the legitimacy and obligations of states under international law.⁶ In the context of military alliances, normative legal analysis examines issues such as compliance with *jus ad bellum* (the law governing the use of force), *jus in bello* (the law governing conduct during armed conflict), state responsibility, and the protection of human rights. This approach helps identify gaps between the operational conduct of alliances and their normative obligations, particularly in cases of emerging technologies, cyber operations, and hybrid warfare strategies.

4. Integration of Perspectives

By combining these perspectives, this study accounts for the dialectic between military rationality and legal rationality. Realism explains the strategic imperatives driving alliance behavior, institutionalism clarifies how formal rules and treaties guide conduct, and normative legal theory provides evaluative criteria to assess legitimacy and accountability. This integrated framework enables a comprehensive understanding of how legal dynamics operate within strategic military alliances in contemporary international security.

RESEARCH METHODOLOGY

This study employs a **normative-juridical research method** to analyze the legal dynamics of strategic military alliances. The normative approach focuses on examining legal rules, principles, and doctrines derived from international law, including the United Nations Charter, treaties on collective defense, Status of Forces Agreements (SOFAs), and customary international law. This approach allows for an assessment of both the regulatory framework and the practical implementation of legal obligations by states within alliances.

The research applies a **multi-approach strategy**, combining statutory, conceptual, and case-based methods. The statutory approach examines relevant legal texts and international agreements to identify formal norms governing alliances. The conceptual approach analyzes theoretical constructs such as state responsibility, military rationality versus legal rationality, and legitimacy of collective defense. The case-based approach studies specific examples of strategic alliances, such as NATO operations, to understand how legal rules are applied in practice.

Data sources consist of **primary legal materials** (treaties, charters, international

⁵ Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984), 70–85.

⁶ Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, 3rd ed. (Cambridge: Cambridge University Press, 2016), 22–30.

conventions, and legal opinions) and **secondary sources** (academic books, peer-reviewed journals, and expert analyses). The study employs **qualitative-descriptive analysis**, synthesizing legal norms, theoretical insights, and case evidence to identify patterns, tensions, and gaps between operational military behavior and normative obligations. This methodology ensures that the study remains both theoretically rigorous and practically relevant.⁷

RESULTS AND DISCUSSION

This section presents the findings of the study and discusses the legal dynamics of strategic military alliances, focusing on the tension between operational military objectives and international legal obligations.

1. Legal Foundations of Military Alliances

The analysis confirms that military alliances operate within a defined legal framework established primarily by the United Nations Charter, international treaties, and customary international law. Article 51 of the UN Charter recognizes the inherent right of individual and collective self-defense, providing legitimacy for coordinated defense actions among allied states.⁸ Additionally, bilateral and multilateral defense agreements, including SOFAs, outline responsibilities, jurisdictional rights, and legal accountability of states participating in collective military operations.⁹ These legal instruments demonstrate that alliances cannot function outside the boundaries of international law, even when pursuing strategic or geopolitical goals.

2. Dynamics of Legal Responsibility in Collective Operations

Collective military operations introduce complex questions regarding **state responsibility**.¹⁰ When multiple states act jointly in a military operation, assigning accountability for potential violations of international humanitarian law (IHL) can be challenging. For example, operations conducted under NATO or in UN-mandated peace enforcement scenarios require clearly defined chains of command and legal oversight to prevent breaches of IHL.¹¹ The research shows that gaps in legal coordination can create ambiguity over which state is liable, particularly in coalition operations where national forces maintain operational autonomy while acting under a joint command structure.

3. Tension Between Military Rationality and Legal Constraints

The study identifies a recurring tension between military rationality focused on operational efficiency, rapid decision-making, and strategic advantage and legal rationality, which emphasizes normative compliance and humanitarian principles.¹² This tension becomes more pronounced with modern warfare technologies such as cyber operations, autonomous weapons, and hybrid conflict strategies. While military imperatives may push for aggressive or preemptive actions, legal obligations require restraint, proportionality, and accountability. The analysis highlights that strategic alliances must develop mechanisms for harmonizing operational effectiveness with legal compliance to maintain legitimacy and

⁷ Robert McCorquodale, *Research Methods for Law* (London: Routledge, 2020), 45–50.

⁸ Charter of the United Nations, 26 June 1945, 1 UNTS XVI, Articles 2(4) and 51.

⁹ Yoram Dinstein, *Opcit*.

¹⁰ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, 2001, Article 4.

¹¹ Michael N. Schmitt, *Opcit*

¹² Kenneth N. Waltz, *Opcit*

avoid potential violations that could undermine international credibility.¹³

CONCLUSION

This study has examined the legal dynamics governing strategic military alliances in the context of global security. The findings indicate that military alliances, while driven by strategic and operational imperatives, remain firmly bound by international legal frameworks such as the United Nations Charter, treaties, and customary international law. Collective military operations generate complex questions regarding state responsibility, jurisdiction, and accountability, particularly in coalition-based actions where multiple states coordinate under joint command structures.

The research also highlights a persistent tension between **military rationality**, which emphasizes operational efficiency and strategic advantage, and **legal rationality**, which prioritizes compliance with international norms and humanitarian principles. Modern developments, including cyber operations, autonomous weapons, and hybrid warfare, further intensify this tension, necessitating careful alignment of strategic objectives with legal obligations to maintain legitimacy and international credibility.

In conclusion, strategic military alliances cannot operate outside the constraints of international law. Legitimacy and effectiveness are interdependent: alliances that ignore legal frameworks risk undermining their credibility, provoking political backlash, and violating humanitarian norms. Therefore, legal compliance must be integrated into operational planning and decision-making processes within all strategic military alliances.

RECOMMENDATION

Based on the findings, the study proposes the following recommendations:

1. Harmonization of National and International Law: States participating in alliances should ensure domestic legal frameworks are fully aligned with international obligations, particularly concerning the use of force, human rights, and state responsibility.
2. Strengthening Accountability Mechanisms: Alliances should implement robust monitoring and reporting systems to ensure compliance with international humanitarian law and prevent impunity in collective operations.
3. Integration of Legal Compliance into Operational Planning: Military training, doctrine, and operational planning must incorporate legal guidance to balance operational effectiveness with normative constraints.
4. Regulation of Emerging Military Technologies: Alliances should develop normative frameworks for new technologies such as autonomous weapons, cyber operations, and hybrid warfare strategies to ensure legal and ethical use.

These recommendations aim to enhance both the legitimacy and effectiveness of strategic military alliances, ensuring that operational objectives do not conflict with international legal standards.

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