

## Legality of Implementing an Embargo in Efforts to Resolve Armed Conflicts Between Countries

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**Abstract:** Embargoes have become one of the common strategies used by states in responding to violations of international law by other states including when there is an armed conflict between states. However, the application of embargoes tends to worsen the atmosphere of conflict, disrupt international politics and cause significant impacts in many countries which raises the question of how important the application of embargoes as an effort to resolve conflicts. This problem will also target the legality of such actions in the context of the principles of international law governing state sovereignty, human rights, and international trade rules. With a normative legal analysis approach, this research aims to examine the international legal framework governing the implementation of embargoes, which reveals that the use of economic sanctions has been a common practice found in international law for many years and has developed into an international custom.

**Keywords:** Embargo, Armed Conflict, International Law

**Abstrak:** Embargo telah menjadi salah satu strategi yang umum digunakan oleh negara-negara dalam menanggapi pelanggaran hukum internasional oleh negara lain termasuk ketika terjadi konflik bersenjata antar negara. Namun, penerapan embargo yang cenderung memperburuk suasana konflik, mengganggu politik internasional serta menyebabkan dampak yang besar di banyak negara dimana tentunya menimbulkan pertanyaan seberapa penting penerapan embargo sebagai upaya penyelesaian konflik. Masalah ini tentu akan menasar juga pada legalitas tindakan tersebut dalam konteks prinsip-prinsip hukum internasional yang mengatur kedaulatan negara, hak asasi manusia, dan aturan perdagangan internasional. Dengan pendekatan analisis hukum normatif, penelitian ini bertujuan untuk mengkaji kerangka hukum internasional yang mengatur pemberlakuan embargo, dimana terungkap bahwa penggunaan sanksi ekonomi telah menjadi praktik yang lazim ditemukan dalam hukum internasional selama bertahun-tahun, dan telah berkembang menjadi sebuah kebiasaan internasional.

**Kata Kunci:** Embargo, Konflik Bersenjata, Hukum Internasional

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## A. Introduction

In the context of international law, the basic principle upheld is the principle of sovereignty of each country, where each country is recognized as having equal status and responsible for regulating relations with other countries. International relations between countries cover various aspects, such as politics, economics, culture, etc. For example, international relations can be manifested in the form of regional, bilateral, or multilateral cooperation.<sup>1</sup>

In the implementation of international relations, international relations often fail to run smoothly, which can lead to differences in views or thought patterns between parties, which can then cause conflict and strained relations between countries. Factors such as ideological differences, national interests, religion, culture, and economics can cause conflict in relations between countries. When peaceful negotiations or diplomacy are no longer effective in resolving these differences, international conflict can occur. Conflict can take many forms, from verbal confrontation to military action involving physical violence. For example, disagreements over territorial boundaries, natural resources, or human rights issues can lead to international conflict if there is no agreement or effective resolution mechanism.<sup>2</sup>

When there is a conflict of interest between two different countries, the conflicting parties generally try to resolve the existing problem through various settlement methods that are part of

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<sup>1</sup> Yeyen Subandi and Muhammad Nuryadin Ash-Shabirin, "HUBUNGAN INTERNASIONAL KERJA SAMA KEMANUSIAAN NEGARA UTARA DAN SELATAN DALAM ISU KEMANUSIAAN: INDONESIA DAN AUSTRALIA DALAM ANALISIS VOSVIEWER," *MARAS: Jurnal Penelitian Multidisiplin* 1, no. 3 (2023): 280–87, <https://doi.org/10.60126/maras.v1i3.55>.

<sup>2</sup> Syifa Nurafantin, Lazarus Tri S. Rebala, and Nuswantoro Dwiwarno, "Perlindungan Hukum Terhadap Pemulangan Tawanan Perang Pada Konflik Bersenjata Internasional Menurut Konvensi Jenewa III 1949," *Diponegoro Law Journal* 5, no. 3 (2016): 1–18.

international legal instruments. However, when the various methods provided do not produce results, the final step taken is through war or armed conflict. However, it should be noted that there are unwritten principles or rules that try to guide behavior in the context of armed conflict, even before the existence of structured formal law as we know it today.<sup>3</sup>

A study shows that the post-World War II period until the beginning of the 21st century saw a large number of armed conflicts in various parts of the world. Enough with data between 1945 and 2004 alone, the research recorded 228 active armed conflicts that occurred in 148 different locations worldwide. During the 16-year period after the end of the Cold War, namely between 1989 and 2004, 118 armed conflicts occurred in 80 different locations. This shows that even though the Cold War has ended, armed conflict is still rampant in many regions of the world. This data provides an overview of how many armed conflicts or wars occurred in various regions of the world during the post-World War II period until the beginning of the 21<sup>st</sup> century.<sup>4</sup>

It cannot be denied that the implementation of war will produce very detrimental impacts, especially in the form of loss of innocent lives of citizens directly affected by armed conflict. However, when conflict continues, the risks spread into the international political arena with the potential to disrupt global political stability while also potentially damaging international economic dynamics, which will ultimately affect the welfare of society at large. Therefore, international organizations such as the United Nations were formed to strive for and realize peace between countries. The UN has an important obligation to end armed conflict between countries so that international political and economic conduciveness can be

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<sup>3</sup> Gary D. Solis, *The Law Of Armed Conflict* (New York: Cambridge University Press, 2010).

<sup>4</sup> Lotta Harbom and Peter Wallensteen, "Armed Conflict and Its International Dimensions, 1946-2004," *Journal of Peace Research* 42, no. 5 (2005): 623–35, <https://doi.org/10.1177/0022343305056238>.

maintained. The UN usually issues resolutions to end armed conflicts, although sometimes this is not able to end the conflict that has occurred.

In situations like this, third-party intervention is needed, in this case, other countries or international institutions, to help mediate or find a solution that is acceptable to the parties involved. The presence of a third party also sometimes no longer acts as a mediator or intermediary to find a solution. Third parties, such as countries outside the conflict, also often impose sanctions on one of the parties who is forced to end the conflict. Sanctions are a response taken by a country to a particular situation or problem through the policies they implement.<sup>5</sup>

The sanctions imposed are usually in the form of economic sanctions, namely sanctions imposed by the international community on countries deemed to have violated international law. Economic sanctions can be in the form of secondary economic sanctions, which are sanctions carried out by other countries, or primary economic sanctions, which are sanctions carried out by international organizations.<sup>6</sup>

One type of economic sanction imposed by a third party, in this case the state, is an embargo. Embargo in international relations is seen as a form of prohibition issued by a country on the export or import activities of a commodity from another country. In practice, embargoes are often used by several countries that have trade agreements between countries, especially exports and imports. The objectives of an embargo can be different, such as protecting domestic demand for the products sold, reducing the source of security threats, and as a tool to reduce negative impacts on a

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<sup>5</sup> Riady Riady, "Implikasi Konflik Kudeta Militer Myanmar Terhadap Sanksi Internasional," *Indonesian Journal of Peace and Security Studies (IJPSS)* 3, no. 1 (2021): 14–22, <https://doi.org/10.29303/ijpss.v3i1.77>.

<sup>6</sup> Olena Bazhenova and Roman Stakanov, "Economic Sanction: Theory, Policy, Mechanism," *Baltic Journal of Economic Studies* 6, no. 2 (2020), <https://doi.org/10.30525/2256-0742/2020-6-2-69-80>.

country's economy. Embargo as an economic sanction refers to actions taken by a country against another country as a form of sanction for a policy of another country that the country considers to be inconsistent with the bilateral cooperation agreement between the two countries or as a form of violation of the provisions of international law.

An embargo is a policy of restriction or reduction implemented by a country or international organization against another country or family of countries. Embargoes can be carried out by countries or international organizations as sanctions or retaliation against countries that violate international law or international policy. Embargoes can be carried out as a response to countries that violate international law, such as countries that violate human rights, violate equality, or violate international trade regulations.

Embargoes were initially used to prevent the delivery of militarily necessary goods to countries at war but later developed into a tool of economic pressure to achieve political goals. Embargoes can also be applied as international sanctions, as the UN did against Rhodesia, with the aim of forcing political change through discriminatory measures in the country's commercial sector.<sup>7</sup>

The embargo has recently become a hot issue following conflicts in several parts of the world, such as what occurred after Russia invaded Ukraine and after the escalation of several conflicts in other parts of the world, such as in the Middle East. This of course makes other countries with interests, such as countries that are members of the European Union and even superpower countries, such as the United States take action against parties who are considered instigators of conflict or parties who are deemed to have violated the provisions of international law. This can be seen from the increasingly widespread imposition of sanctions by several international communities against Russia which has not had a

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<sup>7</sup> Alexandra Kaar, "The 'Golden City' under Embargo: Prague's International Trade during the Hussite Wars," *Central European History* 54, no. 3 (2021): 447–65.

positive impact on efforts to resolve the conflict between the two countries.<sup>8</sup> In the case of armed conflict, the countries above also sometimes provide assistance to one of the countries involved in the conflict.<sup>9</sup>

The reason for implementing an embargo is to resolve the conflict and force one of the parties to immediately end the war is indeed a good thing in addition to other conflict resolution efforts being made. However, recently the implementation of the embargo has not been carried out properly and its implementation is no longer based on the goal of peace but rather on geopolitical competition between countries.

Embargoes nowadays no longer target any party who violates the provisions of international law but instead tend to be imposed based on whether a country likes it or not. This can be seen in the embargo policy implemented by the United States and European Union countries which only targets countries that adhere to different beliefs and their economic competitors, such as Russia, China and several other countries. These conditions have sparked the view that there is the application of double standards by the United States and European Union countries in imposing sanctions, including the imposition of embargoes.<sup>10</sup> At a time when Russia was subject to an embargo by these countries, Israel, which never stopped carrying out aggression, received support from these countries.

The imposition of an embargo from countries outside the conflicting parties seems to only tend to worsen the atmosphere between the parties temporarily involved in the armed conflict. This

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<sup>8</sup> Ella Joyner, “Perketat Sanksi Bagi Rusia, Efektifitas Embargo UE Diragukan,” DW, 2024.

<sup>9</sup> Danel Aditia Situngkir SH.,MH, “Asas Legalitas Dalam Hukum Pidana Nasional Dan Hukum Pidana Internasional,” *Soumatera Law Review* 1, no. 1 (2018): 22, <https://doi.org/10.22216/soumlaw.v1i1.3398>.

<sup>10</sup> Muhammad Fachrie and Arif Wicaksa, “Dilema Kebijakan Sanksi Swiss Dalam Merespon Krisis Ukraina (2014-2020),” *Interdependence Journal of International Studies* 2, no. 1 (2021): 52–69, <https://doi.org/10.54144/ijis.v2i1.45>.

is because intervention from third parties actually increases international political sentiment between the parties as well as between the sanctioning country and the country receiving the sanctions and even worsens relations with other countries. This is proven by Russia's retaliation for the European Union's implementation of an oil embargo by extending the suspension of gas supplies to several European Union member countries.<sup>11</sup> If the war is allowed to continue, it will, of course, have an impact on the economies of many countries. Prolonged implementation of the embargo will also have an even worse impact. At this point, it is necessary to question the urgency of implementing an embargo in efforts to resolve armed conflicts between countries. This will, of course, also refer to the question of the legality of implementing an embargo in resolving armed conflicts between countries.

Combining an understanding of the international legal framework and the practical impact of embargoes can provide more profound and more relevant insights for the understanding of armed conflict resolution strategies to explore new points of view or findings that may not have been covered in previous research. Other research generally looks at conflicts and their resolution through commonly used methods without specifically highlighting the small things involved in a conflict or dispute between countries, such as embargoes. Research by Maryam Marasabessy et al in 2023 which highlighted the function of the UN Security Council (DK) in resolving armed conflicts stated that the UN Security Council has the task of maintaining international peace and security and has a responsibility to resolve international conflicts.<sup>12</sup> Previously, Lana Lengkong et al. (2015) provided an overview of the state's

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<sup>11</sup> Leo Manik, "Balas Sanksi Uni Eropa, Rusia Stop Pasokan Gas Untuk 3 Negara Ini," IDN Times, n.d.

<sup>12</sup> Maryam Marasabessy, Irma Halimah Hanafi, and Josiana Agusthina Yvonne Wattimena, "Fungsi Dewan Keamanan PBB Dalam Penyelesaian Konflik Bersenjata Internasional," *TATOHI: Jurnal Ilmu Hukum* 3, no. 6 (2023): 544, <https://doi.org/10.47268/tatohi.v3i6.1814>.

responsibilities in resolving internal armed conflicts by establishing a *hybrid judicial body* to try crimes against humanity.<sup>13</sup> Looking at the implementation of the embargo is specifically crucial in seeing the relevance of implementing the embargo in resolving armed conflicts with the provisions of international law.

This focus on the legality of implementing an embargo in resolving armed conflicts between countries by considering aspects of international law will be the main objective of this research. On the other hand, this research will also highlight the ethical dilemmas associated with implementing an embargo and its potential impact on the countries involved and other countries globally.

## **B. Method**

This research applies normative legal research methods with a statutory approach *to* understand the international legal framework, in this case, the sources of international law that regulate the use of economic sanctions. Normative legal research is carried out by examining laws that are conceptualized as norms or rules that apply in society and become a reference for behavior.<sup>14</sup> Research steps will include a literature review to identify documents in the form of relevant international agreements as well as case studies of international conflicts involving economic sanctions as a means of resolution. In addition, an analysis will be carried out of the principles of international law that influence the use of economic sanctions, taking into account the historical context of each change. Through this approach, research will produce an in-depth understanding of economic sanctions that have developed and are used in resolving international conflicts, as well as their relevance to the current international legal framework.

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<sup>13</sup> Natalia Lana Lengkong, “Tanggung Jawab Negara Dalam Penyelesaian Konflik Bersenjata Internal Melalui Pengadilan Hybrid Menurut Perspektif Hukum Internasional Dan Hukum Nasional,” *IJAD* 5, no. 1 (2018).

<sup>14</sup> Muhaimin, *Metode Penelitian Hukum*, 1st ed. (Mataram: Mataram University Press, 2020). Matter. 29.



## C. Discussion

### 1. Principles of Legality in International Law

Table Mochtar Kusumaatmadja, revealed that international law does not stand alone as a separate entity, but is an integral part of the legal system as a whole. In his view, international law does not only include specific principles that apply at the international level but also legal principles that are generally applied in the legal system in general.<sup>15</sup>

For example, the principles of civil law, which regulate relationships between individuals or legal entities in the context of agreements and legal responsibilities, also have relevance in international law. Likewise, the principles of procedural law, which determine the legal procedures that must be followed in resolving disputes, and the principles of criminal law, which regulate criminal actions and sanctions, are relevant in international law.

One of the general legal principles that is also applied in international law is the principle of legality. This can be seen from the formation of international criminal justice bodies as an effort to bring perpetrators of war crimes to justice through resolutions that are taken as a legitimate decision.<sup>16</sup> This principle simply emphasizes that every action taken must be based on a clear and valid legal basis. In the context of international law, this means that countries must follow rules and norms that have been agreed internationally or are based on general consensus among the international community.

Thus, Mochtar Kusumaatmadja's views highlight the close relationship between international law and law in general, as well as the importance of understanding that international law does not exist separately but is integrated into a broader legal framework.

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<sup>15</sup> Mochtar Kusumaatmadja and Eddy R. Agoes, *Pengantar Hukum Internasional*, 2nd ed. (Bandung: PT. Alumni, 2020).Pg 149.

<sup>16</sup> Situngkir SH.,MH, "Asas Legalitas Dalam Hukum Pidana Nasional Dan Hukum Pidana Internasional."

In international law itself, the reference source that regulates relations between subjects in international law is generally based on the sources of international law as stated in Article 38 of the Statute of the International Court of Justice which states that the sources of international law consist of:<sup>17</sup>

- a. International Agreement.
- b. International Customs.
- c. General legal principles recognized by civilized nations.
- d. Court decisions and teachings of the most prominent scholars.

First, international agreements include agreements made by several countries and contain rules that are explicitly recognized by the parties to the agreement. Second, international custom refers to a general practice accepted by countries as law. This can be the practice of a country or an international organization. Third, legal principles "recognized by civilized countries" refer to general legal principles recognized by civilized countries. These principles can be used as a basis for establishing legal rules. As explained in the previous section, this source includes legal principles that are considered part of the universal legal heritage, such as the principle of *pacta sunt servanda* (agreements must be obeyed), as well as the principles of natural justice. This third source of law is also the juridical basis for the application of general legal principles in international law. Fourth, court decisions and the teachings of leading experts or scholars can also be used as additional legal sources to determine legal rules. Although not formally binding, such decisions and opinions are often considered as guidance by states and international legal institutions.

Based on the principle of legality explained previously, it can be interpreted that every country is expected to comply with the four sources of international law recognized according to Article 38 of the Statute of the International Court of Justice. This certainly confirms that states must act in accordance with the international

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<sup>17</sup> "Statute of the International Court of Justice," UN Treaties § (1945), <https://doi.org/10.2307/j.ctt5vksr3.8>.

agreements to which they are a party, follow practices that have become international custom, adhere to universally recognized general principles of law, and take into account relevant legal decisions and opinions. This legality principle emphasizes the importance of law enforcement and consistency in the behavior of states at the international level. By complying with these four sources of international law, countries can ensure that their actions are in accordance with the norms applicable at the international level in a responsible manner.

## 2. Inter-State Conflict Resolution

This Conflicts due to disputes of interest between countries are generally referred to as inter-state disputes. In resolving problems between countries, it is important to have a legal umbrella that comes from international legal sources. These sources provide guidance for all parties involved in international agreements. Therefore, international law has a vital role in resolving problems involving countries.<sup>18</sup>

When a dispute occurs between countries, countries generally make diplomatic efforts both bilaterally and multilaterally to reach an agreement between the two countries. These diplomatic efforts can be carried out through various forums and mechanisms, such as the UN organization, through cooperation forums including regional forums such as ASEAN. Apart from that, diplomacy can also be carried out through other forms, such as what was done by South Korea towards Japan after the island dispute between the two countries.<sup>19</sup>

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<sup>18</sup>Made Chintya Sastri Udiani, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini, "Hukum Internasional Sebagai Sumber Hukum Di Dalam Menyelesaikan Sengketa Internasional," *Ganesha Law Review* 4, no. 2 (2022): 73–83, <https://doi.org/10.23887/glr.v4i2.1429>.

<sup>19</sup> Al Dina Maulidya and Hamdan Nafiatur Rosyida, "Strategi Korea Selatan Untuk Mencapai Kepentingan Ekonomi Terhadap Jepang Pasca Sengketa Pulau Pada Tahun 2018," *Sang Pencerah: Jurnal Ilmiah Universitas Muhammadiyah Buton* 8, no. 2 (2022): 326–52, <https://doi.org/10.35326/pencerah.v8i2.1979>.

Settlement of disputes between countries in international law is divided into peaceful dispute resolution and violent resolution. Methods for peaceful dispute resolution are regulated in Article 33 point 1 of the UN Charter, which includes: negotiation, investigation, mediation, conciliation, arbitration, resolution according to law through regional bodies or arrangements, or by peaceful means of one's own choosing. Meanwhile, violent resolution is generally identified with war or armed conflict, where this method is a last resort that can be carried out with the aim of forcing one party to accept the dispute resolution they want.<sup>20</sup>

According to Oppenheim himself, war is a conflict or armed dispute that occurs between two or more countries. In this conflict, each country uses its military strength and weapons to test the opponent's strength and achieve certain goals. The ultimate goal of war is to achieve peace, usually after one side has achieved a sufficient victory to render the opponent unable to continue resistance.<sup>21</sup>

Currently, there are no instruments in international law that specifically contain provisions regarding the implementation of embargoes. Similar to the implementation of various types of economic sanctions, the Embargo as one of the many forms of economic sanctions that exists has developed into a generally accepted international custom. Thus its implementation is in accordance with the principles of international law.

### **3. Embargoes in International Law**

The impact of an embargo can vary depending on the level and type of embargo implemented. A heavier embargo could have more significant impacts, such as reduced revenues, reduced trade, reduced funding, and reduced investment. Embargoes can also

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<sup>20</sup> “Charter of the United Nations” (1945), <https://doi.org/10.4324/9781003179900-14>.

<sup>21</sup> Suwardi Sri Setianingsih, *Penyelesaian Sengketa Internasional* (Jakarta: UI-Press, 2006).Matter. 206.

affect societal welfare, economic welfare and political welfare. Embargoes can also affect relations between countries such as trade relations, political relations and security relations. Embargoes can be used as retaliation against countries that violate international law or violate international policy. The impact of an embargo can also depend on the level of economic and infrastructural development of the affected country. Countries that have stronger infrastructure can more easily adapt to embargoes, while countries that have less infrastructure can be more easily affected by embargoes. Embargoes can also affect relations between countries such as trade relations, political relations and security relations. Embargoes can be used as retaliation against countries that violate international law or violate international policy.<sup>22</sup>

The embargo not only has a significant impact on the sanctioned country but also spreads to other countries.

Table 1 Impact Of The Embargo

Impact of the Embargo	Against the country that has been imposed sanctions	Against other countries
Economic Impact	An embargo can cause a decline in the economy of the sanctioned country, because the economy and trade are restricted. This can result in reduced income, higher unemployment, and inflation.	Embargoes can create economic opportunities for other countries, as they may be able to fill the void left by the embargoed country. This can lead to increased trade and commerce between non-embargoed countries and the target country. On the

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<sup>22</sup>Fajar Anugrah, “Dampak Kebijakan Embargo Negara Arab Terhadap Ekonomi Qatar,” *Politeia: Jurnal Ilmu Politik* 11, no. 2 (2019): 58–64, <https://doi.org/10.32734/politeia.v11i2.1151>.

		other hand, it can cause an economic crisis because of the vacuum left by the embargoed country
Diplomatic Impact	An embargo can also leave a country diplomatically isolated, as other countries may not want to engage with the target country due to ongoing conflicts or problems. This can further limit the target country's ability to engage in international trade and diplomacy.	An embargo can also put diplomatic pressure on other countries because the isolation efforts and economic challenges caused by an embargo can encourage other countries to overcome problems independently by being neutral or getting help from the sanctioning country by taking part in the embargo.
Political Impact	Embargoes can also contribute to political instability in the country receiving sanctions, as citizens may become frustrated with their government's inability to overcome the economic and diplomatic challenges caused by the embargo.	Embargoes for political conditions in other countries are relatively dependent on the economic conditions of that country, which in the end will also influence political conditions and attitudes within the country.

For example, the case of the coal sales embargo imposed by the European Union on Russia. The coal embargo implemented by the European Union against Russia is a sanction for Russia's invasion of Ukraine in 2022. These sanctions have an impact on global structural changes in politics and economics towards Russia's energy strategy which focuses on the concept of sustainable development

and the stimulating effect of sanctions This economy has implications for the traditional energy sector, as well as the application of the concept of diversifying energy resources in Russia by using coal. The role of coal in Russian energy is very important, especially because Russia is one of the main coal producing and exporting countries in the world. So it can be said that the action taken by the European Union is a form of action that is quite brave.<sup>23</sup>

Apart from that, the European Union also implemented an embargo on Russian oil, which significantly impacted Indonesia as an oil importer. The increase in world oil prices causes a balance deficit, so the government also has to face a larger fuel subsidy burden which potentially affects the rupiah exchange rate and transaction balance. This requires careful monitoring and appropriate steps to overcome its negative impact on the country's economy and finances.<sup>24</sup>

A study shows that the Russia-Ukraine conflict also has implications for Indonesia's trade balance between Russia and Ukraine. The conflict has triggered global supply chains to shut down and strained the balance of trade. Moreover, the COVID-19 pandemic has made it worse. According to BPS (2022) compiled by Antara (2022), Indonesia's trade balance with Russia has decreased by almost 205 million USD compared to January-March 2021 to January-March 2022. As with Ukraine's trade, Indonesia experienced a trade deficit of 13.5 million USD compared to January-March 2021 which reached a trade surplus of 53.6 USD. Meanwhile, there is a mismatch in the trade balance between

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<sup>23</sup>Galina Panaedova et al., "Overview of the Russian Coal Market in the Context of Geopolitical and Economic Turbulence: The European Embargo and New Markets," *Energies* 16, no. 19 (2023): 6797, <https://doi.org/10.3390/en16196797>.

<sup>24</sup>Dimasti Dano, "Analisis Dampak Konflik Rusia-Ukraina Terhadap Harga Bahan Bakar Minyak Indonesia," *CENDEKIA: Jurnal Ilmu Pengetahuan* 2, no. 3 (2022): 261–69, <https://doi.org/10.51878/cendekia.v2i3.1494>.

Indonesia and Russia, with Indonesia increasing its imports in 2022 compared to 2021. The increase in import value was caused by the oil and gas industry. Imbalances in the trade balance and supply chain delays for several commodities have triggered financial inflation in Indonesia.<sup>25</sup>

After several years of the embargo being implemented as of April 2024, the conflict between Russia and Ukraine continues to escalate to this day, with significant events occurring. In March 2024 alone, at least 604 civilians in Ukraine were killed or injured, an increase of 20 percent compared to February 2024. In addition, Russia's daily losses on the Ukrainian battlefield have also increased.<sup>26</sup> Thus, it is questionable how effective the implementation of the embargo is in resolving this armed conflict because its implementation has proven ineffective to resolve the conflict.

The role of third parties has a significant influence in resolving armed conflicts to prevent broader humanitarian impacts in order to prevent violations of human rights. With appropriate and necessary intervention measures, third parties can facilitate dialogue, negotiation and mediation between conflicting parties and can help find peaceful solutions without requiring the use of military force which can result in heavy casualties and violations of human rights. Third parties can help defuse tensions and promote sustainable peace agreements, while ensuring the protection of the basic rights of civilians threatened in the context of armed conflict. Therefore, good cooperation with third parties, including other international organizations and bodies, can be essential in efforts to achieve sustainable peace, reduce impacts and maintain the integrity of

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<sup>25</sup>Aelina Surya et al., "The Economic Impact for Indonesia from The War Between Russia and Ukraine The Economic Impact for Indonesia from The War Between Russia and Ukraine," *ICOBEST: International Conference on Business Economics, Social Sciences & Humanities*, 2023, 4–10, <https://doi.org/10.34010/icobest.v4i.448>.

<sup>26</sup>"Protection of Civilians in Armed Conflict — March 2024," United Nation Ukraine, 2024.



human rights in the midst of conflict. Countries generally choose to impose sanctions on one of the countries deemed to be the instigator of the conflict. Economic sanctions are the form of action most often taken by some countries against other countries, where one form of economic sanction used is the imposition of an embargo.<sup>27</sup>

Economic sanctions in one form or another have been used for thousands of years. The implementation of economic sanctions has existed since the Greek empire, where Athens imposed sanctions on Megara. Megara was one of the ancient Greek city-states located on the Attica peninsula, close to Athens. The city was founded in the 8th century BC and was one of the widespread city-states of ancient Greece. Although not as large as Athens or Sparta, Megara played a role in ancient Greek history. The city engaged in alliances, trade and competition with other city-states. The economic sanctions taken by Athens were to impose a trade embargo based on Pericles' decree in 432 BC which ultimately led to the Peloponnesian War (431-404 BC). The implementation of economic sanctions continues to increasingly exist and has even become a weapon owned by certain parties, as happened during colonialism in America, the British put pressure on the colonialists to weaken trade between the colonialists and the West Indies. Since the 18th century, embargoes have been used to settle trade rivalries between great powers, for example during the Napoleonic Wars. In the 19th century, economic sanctions mainly consisted of the Pacific blockade, a blockade involving the deployment of naval forces by a country or coalition of countries. Countries disrupt commercial relations with certain ports or coasts of a country where these countries are not at war. Today, international economic sanctions are used as a common and recurring tool as a common feature of

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<sup>27</sup>Ali Muhammad and Muhammad F. Athifi, "Aneksasi Rusia Atas Krimea, Sanksi Uni Eropa, Dan Penguatan Hubungan Strategis Antara Rusia-Tiongkok," *Insignia: Journal of International Relations* 8, no. 2 (2021): 132, <https://doi.org/10.20884/1.ins.2021.8.2.3528>.

international relations. More precisely, since the fall of the Berlin Wall, economic sanctions have become a regular instrument of the UN Security Council.<sup>28</sup>

Economic sanctions such as blockades and embargoes were used simultaneously in the 17th and 18th centuries. Until the 20th century, States could engage in war under certain circumstances (*jus ad bellum*). However, since the 19th century, a movement began and tried to limit the feasibility of war (*not yet justum*). So nowadays countries tend to use economic power to resolve disputes. The current application of sanctions through economic power seems to have shifted the use of military force in resolving conflicts. Countries with large economic powers, such as China, tend to rely on their economic strength to resolve conflicts with their opponents. By using this strategy, they are trying to avoid the use of military force, thereby reducing pressure on the state budget.<sup>29</sup>

Indirectly, this is an indirect impact of the existence of international organizations such as the UN. Article 2 paragraph 4 of the UN Charter provides a clear basis for intervention using armed force. Intervention is considered a violation of international law. The principle of non-intervention in a country's internal affairs is closely related to the principle of state sovereignty. This article is considered a basic norm in international relations which is very important for maintaining global peace and security. However, the article does not provide a precise definition of what is meant by the threat and use of armed force regulated by the UN. Some views argue that the use of force in this Article is limited to the use of military force, not economic or political force. The General Assembly Declaration on the Principles of International Law, which is considered one of the important references in the interpretation

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<sup>28</sup> Mélanie Golliard, "Economic Sanctions: Embargo on Stage. Theory and Empirical Evidence" (Universitas Friburgensis & University of Tampere, 2013).

<sup>29</sup> Inas Diant Calista, "Analisis Sanksi Ekonomi China Terhadap Korea Selatan Terkait Program Pengembangan Sistem THAAD (Terminal High Altitude Area Defense) Tahun 2016-2017" (Universitas Brawijaya, 2017).

of the UN Charter, supports this view, where the declaration emphasizes that the prohibition against the threat and use of armed force in international relations only applies to military armed force.<sup>30</sup>

Indirectly, Article 2 Paragraph 4 of the UN Charter provides a legal basis for countries to seek alternatives to the use of armed force to resolve conflicts. This article emphasizes the principles of state sovereignty and the prohibition of the use of military force in international relations, thereby encouraging peaceful efforts in responding to disputes between countries. This provides a legal basis for using other means, such as diplomacy, negotiation, mediation, and economic or political sanctions, to resolve conflicts.

With this foundation, countries are encouraged to use various methods of peaceful and diplomatic conflict resolution, such as diplomacy, negotiation, mediation, and the application of economic or political sanctions. The use of these methods not only prevents conflict escalation but also creates opportunities for more sustainable and just solutions.

Furthermore, Article 2 Paragraph 4 of the UN Charter does not only function as a prohibition against the threat or use of armed force. This article also acts as the main driver for the development and implementation of peaceful alternatives in resolving international conflicts. Thus, this Article strengthens the global commitment to non-violent conflict resolution and emphasizes the importance of an approach that prioritizes dialogue and cooperation between countries.

An embargo is an alternative option for countries in an effort to resolve armed conflicts without having to use military force. The imposition of an embargo, whether of an economic, trade, or arms nature, can put significant pressure on parties involved in a conflict to cease aggressive actions and move to the negotiating table. An embargo aims to weaken the operational capabilities of parties to a

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<sup>30</sup>Anthony D Amato, “The Meaning of Article 2 (4) in the U.N. Charter,” *Northwestern University School of Law: Public Law And Legal Theory Series* 2, no. 13 (1995).

conflict without resulting in the inevitable loss of life in open war. By limiting access to critical resources, embargoes force conflicting parties to consider peaceful and diplomatic solutions as a way out of the conflict. In addition, the use of an embargo also reflects the international community's commitment to resolving conflicts in ways that minimize violence and damage. Therefore, the embargo is a vital tool in a series of global efforts to achieve peace and stability without the use of armed force.

#### **D. Conclusion**

An embargo can have a big impact on the countries involved, both the target country and the countries imposing the embargo. On the other hand, an embargo can be an effective way to overcome global geopolitical problems but on the other hand it can also cause economic, diplomatic and political impacts for all parties involved. Although it can be an effective way of dealing with international political problems, embargoes also bring serious challenges in various aspects. Economically, an embargo can hamper trade and economic growth of the target country, while the country imposing the embargo may also face losses due to the loss of markets and business opportunities. On the diplomatic side, an embargo can worsen relations between countries and complicate diplomatic efforts to resolve conflicts. Politically, an embargo can create tensions within the international community and increase the risk of widespread armed conflict. Therefore, although embargoes can be an important instrument in foreign policy, it is also necessary to carefully consider their complex and potentially detrimental impacts on all parties involved.

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