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Legal Aspects of the Application of Sanctions in International Law

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Abstract

Sanctions are developing into one of the key elements of the architecture of international legal influence in a world of growingly conflicting state interests, changes in the architecture of international security, and increasing use of economic coercion in international diplomacy. Recent practice in the application of sanctions has revealed a changed nature of sanctions from a tool in support of diplomatic pressure to an independent tool for the establishment of the rule of law at the international level. Therefore, the study of the legal framework within which sanctions are applied and their conformity to the basic principles of international law and standards of protection of human rights is gaining relevance. The object of the study is the system of international legal relations developing during the implementation of sanctions, and the subject is the legal principles, mechanisms for implementation, and effectiveness of sanctions as an instrument of international influence. The effectiveness of sanctions is considered from the angle of their impact on international security,

economic processes, and human rights. Thus, the resistance of sanctions depends on their international legitimacy, the number of supporting states, and the accuracy of targeting. Unilateral sanction, especially extraterritorial ones breaches the law and may infringe on the principles of international law. It also proved that even individually or institutionally targeted sanctions can indirectly affect socio-economic rights, which calls for their legal control. The results are of practical value for improving mechanisms of sanction enforcement in international law, developing effective sanction policies, and balancing the goals of international security with the protection of human rights. The results of this study can be applied in further scientific research, the law-making process, and the practice of international as well as national institutions.

Keywords: sanctions, international law, United Nations Charter, United Nations Security Council, European Union, international security

1. INTRODUCTION

The study of the legal aspects of the application of sanctions in international law is relevant because of fundamental changes in the modern system of international relations, which is an increasing number of conflicts and violations of international law and the prompt response of the international community to these challenges. Thus, the relevance of the study is determined by the rapid response of the international community to challenges and the above-mentioned changes in the international system. The study of the legal aspects of sanctions is, therefore, relevant in so far as it can contribute to a better understanding of the role and place of sanctions in international relations and the ways in which they can be improved to better serve their intended purpose. Sanctions primarily involve the United Nations and the international community, which applies them under its leadership to compel states to respect international law, preserve peace and security, and protect human rights by using sanctions as one of the main instruments of influence in the modern world.

At the same time, the modern practice of sanctioning takes a large spread of forms and mechanisms among which, targeted or smart sanctions have become very popular and are directed at specific individuals, organizations, or sectors of the economy. Besides multilateral sanctions, there are also unilateral restrictive measures increasingly applied which has led to scholarly debates about them in terms of sovereign equality of states, non-interference in internal affairs, and freedom of international trade. In this regard, the role of institutions such as the UN Security Council has to be evaluated, and the practice of regional organizations, particularly the European Union (further – EU), which develops its regime of sanctions.

Thus, the issue of the juridical nature of sanctions, their classification, reasons for imposition, and legitimacy boundaries is exposed within the framework of a complex scientific investigation. The connection between sanctions and the primary international law principles should be thoroughly examined, including the principle of dispute settlement, the principle of good faith in carrying out obligations, and the principle of human rights. A separate issue is to assess the effectiveness of sanctions as a method of international legal influence in the conditions of modern geopolitical transformations and the increasing role of economic levers in international politics.

2. LITERATURE REVIEW

Most contemporary research underlines that sanctions should no longer be seen uniquely as a foreign policy tool but rather as a tool of international legal influence which, in addition, has deterrent, punitive, preventive, and regulatory effects. This idea is shared by many authors [1, 2].

Theoretical research in the field of sanctions law primarily concerns the analysis of the normative nature of sanctions provisions in the United Nations system. Farrall [1] in particular studies UN Security Council sanctions as an instrument of collective security that has been institutionalized and stresses that Chapter VII of the United Nations Charter is the source of the legal basis for their lawful application. In this sense, sanctions are a legitimate measure in response to a threat to peace, breach of the peace, or acts of aggression. Fassbender [3] develops an approach focusing, in particular, on the procedural aspects of the UN Security Council's sanctions policy and stresses that the institutional legitimacy of sanctions must be accompanied by compliance with basic guarantees of due legal process, especially when the sanctions are directed against natural or legal persons.

Sanctions and international state responsibility have been covered by voluminous literature. In this regard, the approach adopted by the International Law Commission in the Draft Articles on Responsibility of States for Internationally Wrongful Acts [4] is very important because it gives an understanding of countermeasures as decentralized lawful coercion. Klabbers [5] develops this approach to consider sanctions, countermeasures, and collective security as related but not identical issues. He argues strictly limited countermeasures must be proportionate and cannot violate rules of international law, as emphasized by the author. This helps to distinguish between sanctions that are imposed through multilateral organizations and unilateral coercive measures of states.

Another area of study is connected with UN sanctions and their place in the modern international legal order. Bogdanova [6] treats unilateral sanctions from the viewpoint of international law and human rights and claims that their proliferation changes the classical understanding of coercion in international relations. She observes that unilateral restrictive measures increasingly claim a quasi-law enforcement function, although their legal nature remains ambiguous. The present study arrives at the same conclusion as Jazairy [7] in its critical application of unilateral economic sanctions from the perspective of human rights and international human rights law. He argues that such sanctions, especially those with extraterritorial character, may violate sovereign equality and non-intervention and lead to excessive pressure on the civilian population.

Modern literature also spends much ink on secondary sanctions, said to be one of the most controversial forms of economic coercion. According to Ruys and Ryngaert [8], secondary sanctions are a tool that goes beyond the traditional model of sanctions against states as the primary source of influence to extend the enforcement to third parties that are not direct violators of international law. Ruys et al. [9] pick up this argument and claim that secondary sanctions are a very thin line between legitimate economic pressure and impermissible extraterritorial jurisdiction. This is a clear testament to

how much sharper the scholarly debate has become on what should fall within the permissible scope of sanctions policy in the conditions of a globalized international economy.

Another major part of the literature review is on studies about the efficacy of sanctions and their success in attaining stated political objectives. Gordon [10] redefines the concept of "smart" sanctions and claims that the switch from general economic restrictions to targeted sanctions was a reaction to the negative humanitarian experience of earlier sanctions regimes. Shagabutdinova and Berejikian [11] assess the efficacy of sanctions targeted at humanitarian purposes and conclude that targeted measures are inherently more in line with requirements for human rights protection, though they do not necessarily result in better political outcomes. Albal [12], in turn, stresses that an evaluation of the efficacy of sanctions should situate changes in the behavior of the target state within broader factors such as the rule of law, humanitarian consequences, and long-term contribution to the international legal order.

Another issue that has been discussed in the literature is the place of human rights in the development of sanctions policy. Reisman and Stevick [13] had raised this issue earlier in the last century over the question of whether international human rights protection could be applied to U.S. economic sanctions programs. Their work became the foundation for later studies on the humanitarian impact of sanctions. In more recent work, the Office of the United Nations High Commissioner for Human Rights [14] made a brief mention of this issue, referring to secondary sanctions, private sector over-compliance with sanctions regimes, and the effects on access to essential goods, medical assistance, and financial instruments. These studies form part of a separate stream of research where sanctions are considered not just as means of coercion but also as possible sources of systemic violations of social and economic rights.

The judicial review of sanctions regimes and the procedural standards form another line of literature. The Kadi cases best illustrate this, from doctrinal as well as practical legal points of view. They created the precedent that even sanctions regarding the implementation of UN Security Council resolutions can never exist outside due legal process, the right to defense, and effective judicial review [15, 16]. Hence, modern literature tends to understand sanctions law, to some extent, as a field in which concerns of international security need to be reconciled with the principles of the rule of law and the protection of fundamental rights.

In the recent literature, an increasing number of scholars have come to see sanctions not only as a tool of legal or diplomatic pressure but also as a means through which new international norms can be created. For instance, Chachko and Newman [17] demonstrate how sanctions can be used to develop norms of economic coercion, which eventually transform from political practice into a more formal legal regime. This paper applies a perspective on sanctions that mirrors the analysis provided by Mallard and Sun [18] – it looks at sanctions through the transnational legal orders, security, and decolonial lenses of international law. It contends that sanctions policy reflects not only formal norms but also global power asymmetry, which even defines what qualifies as legitimate international coercion.

The above-discussed literature on regional sanctions regimes, particularly that of the European Union, is quite relevant. Documents from the Council of the European Union show a high level of procedural formalization and a well-developed institutional system in this process [19]. From a scholarly perspective, note that this approach marries political expediency to control through the law, including, of course, judicial review. Hence, regional regimes are often considered a more nuanced and balanced procedural approach to the application of sanctions than global mechanisms.

The literature review allows for arguing that many issues are insufficiently covered despite the available body of research. First and foremost, it is the consistency of general criteria for assessing the effectiveness of sanctions. Most works are either focused on political outcomes or analyze separate humanitarian or legal aspects. The alignment between different levels of sanctions mechanisms, that is, universal, regional, and national, and their relation to requirements of international security and human rights protection standards is still insufficiently explored. Long-term normative impacts of contemporary sanctions on the evolution of international law are only presented in the literature in fragments. This, in turn, creates barriers to research aimed at a comprehensive examination of sanctions as an instrument of regulation in international law, international security, and the transformation of the global international legal order.

3. MATERIALS AND METHODS

The study employs a combination of general and specific legal methodologies, which allows for a comprehensive analysis of sanctions under international law. The dialectical method is applied to the evolution of sanctions as a legal phenomenon and the contradictions between their legitimacy and effectiveness; the systemic method is used to analyze sanctions as a component of the hierarchical system of international law and the interrelationship between the UN Charter, the practice of the UN Security Council, and the sanctions regimes of the European Union; the comparative method is used to compare approaches at the international, regional, and national levels; the formal legal method is used to analyze normative decisions and determine the legal nature of sanctions; and the methods of analysis, synthesis, and generalization of judicial practice are used to systematize scientific approaches and assess the function of judicial review in its contribution to the legality of sanctions.

The aim of this article is to study the legal aspects of the use of sanctions in international law, more precisely, their

legal nature, grounds and manner of application, as well as the limits of legitimacy in the modern system of international relations based on the practice of the United Nations and regional organizations.

4. RESULTS

Sanctions represent one of the primary responses by the international community to breaches of international rule of law within the contemporary international legal system. But they are and remain a complex and controversial legal phenomenon in which elements of coercion, politics, and law are united. Their nature is formed at the crossroads of norms enshrined in the UN Charter, the practice of the Security Council, and unilateral actions of states and regional integration organizations such as the European Union. Theoretical and legal analysis of sanctions requires recognition of their dual nature since they are both a means of ensuring compliance with international law and at the same time a political tool that may go beyond classical legal mechanisms [1, 2].

Sanctions are coercive measures that can be taken in response to an internationally wrongful act, with the goal of remedying the violated legal order or preventing further breaches. In this sense, they bear a close relationship with the responsibility of states in international law, as is evident from the Draft Articles of the International Law Commission of the United Nations [4]. More recent studies claim that repression and punishment are not the only possible forms of sanctions but also preventive, deterrent, and even normative because they can influence the behavior of states and help create new rules of interaction in the international system [17, 18].

The theoretical and legal approaches to understanding sanctions have several main directions of conceptual thinking. The first approach is based on the classical doctrine of collective security, viewing sanctions as a tool for the establishment of international peace and security through a centralized system under the UN Security Council. According to this approach, sanctions possess clear legal legitimacy because their imposition is explicitly provided for in international law, more specifically in Chapter VII of the Charter of the United Nations [1]. The second approach is related to the concept of countermeasures, which the decentralized mechanism that states may individually or collectively adopt in response to breaches of international obligations. These measures are viewed as a decentralized mechanism for the enforcement of international law based on the principles of reciprocity and the responsibility of the concerned parties [5, 8].

The third perspective reflects the contemporary transformation of sanctions in the context of globalization and the increasing importance of the economic instrument of influence. It focuses on so-called economic sanctions – trade restrictions, financial sanctions, and other economically oriented measures. In this regard, sanctions are not only a legal but also an economic diplomatic and geopolitical competition instrument [6]. Researchers pay particular attention to secondary sanctions, that is, third-party sanctions, as they pose important questions about their compatibility with international law [9].

A more critical discussion of sanctions has become quite popular in modern academic literature, which understands sanctions as a resource in the structure of the international system's unequal distribution of power. In particular, it is stressed that sanctions can be applied as a tool of political pressure, which does not correspond to the principle of sovereign equality of states and non-intervention in the internal affairs of Jazairy [7]. Such an approach seems to be particularly relevant in the context of unilateral sanctions, which, lacking direct support from subjects of international law, are often driven by political motives. Theoretical and legal approaches to understanding sanctions in international law is given in Table 1.

Table 1. *Theoretical and legal approaches to understanding sanctions in international law*

Approach	Essence	Advantages	Disadvantages	Scope of Application
Collective security	Sanctions as an instrument for maintaining international peace and security through a centralized mechanism	Legitimacy, universality, legal certainty	Political dependence on permanent members of the Security Council	Global conflicts, threats to peace
Countermeasures	Sanctions as a response by states to internationally wrongful acts	Flexibility, responsiveness	Risk of abuse, escalation of conflicts	Bilateral disputes
Economic	Sanctions as an instrument of economic influence and geopolitics	High effectiveness of impact	Negative humanitarian consequences	International trade, finance
Critical	Sanctions as an instrument of domination and inequality	Revealing systemic imbalances	Politicization, subjectivity	Geopolitical conflicts
Institutional-legal	Sanctions as an element of the functioning of international organizations	Procedural transparency, control	Bureaucratization, slowness	United Nations Security Council mechanisms
Human rights-based	Sanctions through the prism of human rights	Protection of civilian population	Limitation of sanctions effectiveness	Conflict situations
Functional	Sanctions as a multifunctional instrument (prevention, deterrence, punishment)	Universality of application	Blurred boundaries of application	Various levels of international relations
Geopolitical	Sanctions as an instrument of global influence and competition	Strong strategic impact	Politicization, conflict potential	Global processes

Source: developed by the author based on [1, 3, 5–7, 10, 14, 18].

Theoretical and legal approaches to sanctions in international law create a complex multilevel system of interpretation that reflects the development of international law and changes in global political processes. This means that there is no single universal approach to deterrence; its application is determined by the nature of the specific mechanism of sanction and the characteristics of the subject to whom the regime of sanction is applied. Classic collective security has the highest degree of legal legitimacy because it is based on clearly defined norms of international law and the functioning of international organizations; however, its effectiveness is often limited by political factors, including the mechanism of the veto.

The countermeasure approaches and the economic approach reflect a trend towards the decentralization of coercion in international law. At the same time, this indicates a transformation of international law towards more flexible but at the same time less formalized instruments of influence where individual states increasingly apply sanctions mechanisms independently. Such findings point out a transformation of international law towards more flexible but at the same time less formalized instruments of influence. However, these approaches are also characterized by an increased potential for abuse and politicization of sanctions, which undermines their legal essence and may contradict fundamental principles of international law.

Human rights-based and institutional-legal approaches are of particular importance as they seek to strike a balance between the effectiveness of sanctions and human rights. They show the necessity of improving application procedures so that there is transparency and legal protection for individuals under restrictive measures. The above is especially relevant to contemporary 'smart sanctions' which, even if designed to minimize negative effects, can still violate fundamental rights.

The critical and geopolitical approaches provide an in-depth understanding of sanctions policy, revealing it as an instrument of global influence and competition for power in the international system. They stress the inequality of power between states and the asymmetry of the international order – seen in how sanctions are selectively applied and in the dominance of certain actors.

In other words, the current understanding of sanctions in international law is situated at the crossroads of legal norms, political interests, and economic factors, demanding an in-depth interdisciplinary study of their nature. The above methods have proven their efficiency and have been implemented; for their partial update, it should be noted that the ability to implement sanctions and achieve a balance between interdisciplinary coercion and justice, legitimacy and effectiveness, significantly depends not only on their historical legal justification.

Another important classification category is the nature of the measures applied. For this purpose, economic, political, diplomatic, and military sanctions exist. Economic sanctions are trade embargoes and financial restrictions, as well as other measures that lead to the economic isolation of a country. Political and diplomatic sanctions may involve limitations on a state's participation in international organizations or the termination of diplomatic relations with that state. Military sanctions, though less common, could be blockades or other forms of coercive measures [10].

Table 2. *Classification of sanctions in international law*

Classification criterion	Type of sanctions	Extended description	Legal basis	Implementation mechanism
By applying subject	International (collective)	Imposed by international organizations, primarily through the United Nations Security Council mechanisms	United Nations Charter	Resolutions, sanctions committees
	Unilateral	Introduced by individual states or coalitions of states	National legislation, customary international law	Legislative acts, executive decrees
By nature of impact	Economic	Restrictions on trade, finance, and investment	International economic law	Embargoes, asset freezes
	Financial	Blocking of banking operations and access to financial markets	Banking and financial law	SWIFT restrictions, sanctions lists
	Political	Restrictions on participation in international processes	Public international law	Suspension of membership
	Diplomatic	Breakdown or reduction of diplomatic relations	Vienna Convention on Diplomatic Relations	Recalling diplomats
	Military	Use of force or blockades	International humanitarian law	Blockades, military operations
By scope	General (comprehensive)	Targeted against the state as a whole	International law	Total embargo
	Sectoral	Restrict specific economic sectors	Economic law	Sector-specific restrictions
By targeting	Targeted (smart sanctions)	Directed at specific individuals or organizations	UN and EU practice	Sanctions lists
	Secondary	Extended to third parties	Controversial legal basis	Restrictions on cooperation
By function	Preventive	Prevention of violations	General principles of law	Warning measures
	Punitive	Punishment for violations	International responsibility	Reactive measures
	Coercive	Forcing behavioral change of states	Concept of coercion	Economic pressure

Source: developed by the author based on [6, 8, 10, 11, 13].

The above are examples of the current trend in using a type of sanction referred to as "smart" sanctions, which are more human-centered and targeted at individuals, organizations, or sectors, rather than the whole state. This will help to reduce the negative humanitarian impact of sanctions and at the same time enhance their effectiveness [11]. On the other hand, the issue of respect for human rights when imposing sanctions is still a matter of concern, especially after the

Kadi judgments of the European Court, which stressed the need for procedural safeguards [15, 16]. The classification of sanctions in international law is presented in Table 2.

Sanctions categorization in international law is multidimensional, reflecting the diverse nature of influence mechanisms in contemporary international relations. First and foremost, the study notes that sanctions imposed within the institutional system of collective security, particularly under the United Nations, are most legitimate since they are based on clear normative and legal foundations and enjoy international support. At the same time, unilateral sanctions, despite their high degree of adaptability, usually raise doubts about their conformity with the principles of international law and, therefore, receive rather controversial assessments in academic literature.

In regard to the character of influence, it is clear that economic and trade sanctions have developed into the most common and powerful tool of contemporary sanctioning because they target the most vital sectors of state activity. However, they also have the most severe side effects, primarily in the negative influence on the civilian population and on the process of economic globalization. Political and diplomatic sanctions, on the other hand, are mostly symbolic but may be very important as elements of international pressure.

It is important to make a distinction in the scope and direction of sanctions, as well as to trace their evolution from general to more targeted instruments in the policy of sanctions. The focus on 'smart sanctions' reflects the desire of the international community to reduce negative humanitarian impacts, raising issues of human rights and procedural guarantees. Secondary sanctions, due to their extrajudicial nature, though highly effective in the spread of influence, remain one of the most powerful tools of the sanctions system.

The functional classification of sanctions helps understand their roles in international law as the means of punishment, prevention, and coercion. This helps to underline the fact that sanctions play a multi-pronged role in international relations involving preventive, punitive, and regulatory functions.

Thus, it can be concluded that the contemporary sanctions regime of international law is highly complex, versatile, and politicized. The success of sanctions results from a mixture of legal justification, implementation mechanisms, and the possibility to take humanitarian consequences into consideration. This, in its turn, requires further development of international legal norms that allow for the achievement of a balance between the success of the sanctions and the consolidation of fundamental principles of international law.

The normative and legal basis for the application of sanctions in law is the system of intersecting relations between systemic norms of public international law, law enforcement practice of international organizations, and regional legal systems, which function as complementary to each other. A key role in this system is played by the norms of the UN Charter. In particular, Chapter VII grants the Security Council the authority to determine threats to peace, breaches of peace, or acts of aggression, and to adopt binding decisions in this regard, including the application of sanctions measures. This construction allows for the formation of a unified mechanism of international coercion with a high level of legitimacy and universality. This construction exists because threats to the peace, breaches of the peace, and acts of aggression are all determinable conditions, and therefore, as a matter of legal construction, the power to impose sanctions pursuant to a determination of one of these conditions exists.

In the United Nations system, sanctions have a juridical nature, and, thus, all member states are obligated to the Charter. This makes sanctions adopted by the Security Council prevail over other commitments that states may have, giving them a unique status in the international legal system. The same mechanism for implementing sanctions within the UN system also makes the procedure complex through a series of steps involving the adoption of resolutions, the formation of sanctions committees, and supervision of their execution. Such institutionalization allows the formalization of sanctions policy while making it dependent on the political will of the permanent members of the Council, which may, under certain conditions, impede its efficacy [3].

In terms of legal regulation, it is also important to compare sanctions with the general principles of international law, such as those dealing with sovereign equality among states, non-intervention in internal affairs of other states, and the peaceful settlement of disputes. In terms of the Security Council, it is often considered to have complied with such principles because the sanctions it imposes are regarded as belonging to the collective security mechanism. All in all, the sanctions of the Security Council generally are considered to be in line with these principles, and issues related to this topic already are discussed in the discussion section. The unilateral sanctions imposed by individual states outside the UN system are extraterritorial applied highly controversial in terms of their legal legitimacy [7, 8].

The norms of countermeasures should be given due attention as they form an integral part of the decentralized system in the maintenance of international legal order. The Draft Articles on Responsibility of States for Internationally Wrongful Acts, prepared by the International Law Commission, allow that countermeasures can be resorted to by states in response to breaches of international obligations; however, they must observe certain limitations, in particular, those of proportionality and temporariness [4]. This proves that there is an antagonistic mechanism of sanctions influence which runs parallel to the centralized UN system.

Modern conditions have led to significant transformations in regional systems of sanctions within the integration

associations and regional international organizations. The most developed and detailed example is the sanctions policy of the European Commission, highly structured within strictly defined institutional norms. The legal basis for EU sanctions is in the EU treaties and the many regulations and decisions of the Council of the European Union that establish specific sanctions and describe implementation procedures and control mechanisms [19]. The relatively detailed regime of sanctions in the EU has one peculiar feature: its political and legal components are combined. This has allowed the instrument to be effective in line with the rule of law.

The EU practice also strongly emphasizes the importance of judicial review in the application of sanctions, as seen in the Kadi cases, which played a leading role in setting legal standards in this field. In these decisions, the General Court and the Court of Justice of the European Union underlined the protection of fundamental rights, including but not limited to rights related to sanctions established under the framework of resolutions of the United Nations Security Council, such as the right to a fair trial and the right to an effective legal remedy.

The EU practice also proves the importance of judicial review of the application of sanctions, as the Court of Justice of the European Union confirmed in the Kadi cases, setting leading standards of judicial practice in the field. In those decisions, it stressed the respect of fundamental rights, including the right to a fair trial and effective legal remedy, in the context of measures taken pursuant to resolutions of the United Nations Security Council [15, 16]. This shows the forming of a new paradigm in the law of sanctions, which unites requirements of security with human rights. The above aspects show the formation of a new trend in the law of sanctions, uniting the needs of security with human rights.

The development of regional sanctions regimes is on one hand accompanied by the increasing role of unilateral sanctions that individual states or groups of states impose. Most of these sanctions are extraterritorial and may affect third parties that are not direct participants in the violation of law. This further raises significant legal debates as to whether such practice is in line with the principles of sovereignty and non-intervention or not [6]. In this connection, the problem of coordinating different sanctions regimes and the possibility of their conflict are of particular interest.

The legal and political basis for the introduction of sanctions also reflects an evolution from general to more targeted measures. Smart sanctions, or the so-called targeted individual or organizational freezes, include asset freezes, travel bans, and other personalized measures. This approach decreases negative humanitarian impact but, at the same time, raises the standards for compliance with legal guarantees and human rights. Normative and legal foundations of sanctions in international law is presented in Table 3.

Table 3. *Normative and legal foundations of sanctions in international law*

Level of regulation	Source of law	Normative framework	Main provisions	Implementation mechanism	Examples
Universal	United Nations Charter	Chapter VII of the Charter	Determination of threats to peace, application of sanctions	Resolutions, sanctions committees	Sanctions against states
Universal	International state responsibility	Draft Articles of the ILC (2001)	Countermeasures, proportionality	Restrictions, suspension of obligations	Trade restrictions
Regional	European Union law	EU treaties, regulations	Sectoral and individual sanctions	Sanctions lists, financial restrictions	EU sanctions
Regional	Other international organizations	Statutes of organizations	Collective measures	Restrictions on participation	Regional sanctions
National	Domestic legislation	Laws, decrees	Unilateral sanctions	Economic and financial measures	United States sanctions
Supranational	Judicial practice	Rulings of the Court of Justice of the EU (Kadi)	Human rights protection	Annulment of acts	Kadi case
Global-regulatory	Practice of international organizations	Recommendations, resolutions	Coordination of sanctions	Joint measures	Sanctions coordination

Source: developed by the author based on [1, 3, 4, 6, 8, 15, 16].

The legal-institutional system of sanctions in international law embraces a multi-level complex, including universal, regional, and national regulatory mechanisms. Sanctions within the universal collective security system created under the UN Charter enjoy the highest degree of legal authority because they are based on a clearly defined normative framework and are binding on member states. However, the effectiveness of this mechanism is primarily politically conditioned, mainly by the necessary coordination among the permanent members of the UN Security Council, which in turn may limit their ability to respond quickly to international crises.

Institutional efficiency and legal detail make regional sanction regimes, particularly within the European Union, more capable of the operational use of sanctions and their compliance with rule of law principles. Judicial control is fundamental in this respect, ensuring respect for all freedoms and rights even in the application of restrictive measures.

This is how the decentralized mechanisms, including unilateral sanctions and countermeasures, reflect the tendency towards fragmentation of international law and the growing role of national interests in the policy of sanctions. These mechanisms provide rapidity and flexibility but involve a higher risk of contravening the fundamental principles of international law, in particular, sovereign equality of states and non-interference in internal affairs. An essential element of the present system of sanctions is the enhanced role of judicial institutions in weighing the effectiveness of sanctions vis-a-vis human rights. The case law, and especially the decisions of the European Court of Justice, reveal the creation of new standards in EU sanctions law which improve the level of legal protection for individuals and entities affected by sanctions.

In brief, the modern legal regulation of sanctions is dynamic and multidimensional, combining both centralization

and decentralization and universalization and regionalization. The future development of this area will be determined by whether or not the international community finds a balance between the effectiveness of sanctions as a tool of international pressure and the necessity of observance of basic principles of international law and human rights in their enforcement.

Sanctions in international law are effective in a multi-faceted manner, which includes legal, political, economic, and humanitarian aspects. Their success is gauged not only by the achievement of political objectives but also by the degree of compliance with the basic tenets of international law. In the modern structure of international law, sanctions have been legitimized as an effective tool for the UN Security Council under the UN Charter to maintain international peace and security. This has led to the wide acceptance of the legitimacy of sanctions regimes. However, their success depends on the willingness of the international community to adopt a common position, which is often hindered by political divisions among states [1].

Research has indicated that sanctions work when there is a clear goal, broad international support, and diplomatically complementary measures. Smart sanctions are those that are aimed at specific political elites or economic sectors with a minimum effect on the general population. In other words, smart sanctions are very preferable. However, even smart sanction variants are not free from risks. Unintended economic consequences for wider segments of society may be the result of smart sanction variants.

Sanctions can only be effective if they are in conformity with the basic principles of international law, such as the sovereign equality of states, non-intervention in internal affairs, and respect for human rights. In the UN system, sanctions are usually considered to be in line with these principles because they are adopted collectively by the international community. Unilateral sanctions, including extraterritorial ones, remain highly controversial and are often debated for their legality and qualification as violations of international law [7, 8].

Another essential component of the evaluation of sanctions is their impact on human rights. Economic sanctions, when very large in scale, can result in significant humanitarian suffering—lack of access to food, medical care, and other basic necessities [13]. In this regard, over the years, the international community has moved toward more focused sanctions regimes directed against specific individuals or groups. Even within this framework, issues of procedural safeguards arise, including the right to a fair trial and effective legal remedies, as is evident from the case law of the European Court of Justice in the Kadi cases [15, 16].

Concerning international security, sanctions could be a tool that deters aggressive state behavior and check the escalation of conflicts. In this sense, they are a tool of prevention that helps maintain the stability of the international order. However, an overabundance or misuse of sanctions can have the opposite effect and lead to armed conflict, economic instability, and a breakdown of trust between states [10].

The latest research also underlines that the success of sanctions comes about when they are just one part of a larger foreign policy strategy that includes diplomatic, economic, and legal tools. Very rarely do sanctions bring about an immediate change in policy, but they may lead to long-term pressure that brings about a reconsideration of politics [17]. Proportionality and the attainment of objectives are, as always, required by international law. Applied assessment of the effectiveness and legal consequences of sanctions in international law is given in Table 4.

Table 4. *Applied assessment of the effectiveness and legal consequences of sanctions in international law*

Case of sanctions	Applying entity	Type of sanctions	Objective	Actual outcome	Compliance with international law
Sanctions against Iraq (1990–2003)	UN Security Council	Comprehensive economic sanctions	Enforcement of UN resolutions	Partial achievement (arms control)	High (UN sanctions)
Sanctions against Iran (2006–2015)	UN, EU, USA	Economic, financial sanctions	Restriction of nuclear program	JCPOA agreement achieved	High / partially disputed
Sanctions against Russia (since 2014)	EU, USA	Sectoral, financial sanctions	Deterrence of aggression	Partial economic impact, no full policy change	Medium (mixed unilateral and coordinated measures)
Sanctions against North Korea	UN	Comprehensive and targeted sanctions	Nuclear disarmament	Limited effect	High
Smart sanctions against terrorist organizations	UN, EU	Targeted (asset freezing, travel bans)	Counter-terrorism	Partially effective	High, with due process concerns
Secondary US sanctions (Iran, Russia)	United States	Extraterritorial sanctions	Increase of economic pressure	High economic impact	Controversial / low compliance

Source: developed by the author based on [1, 7, 8, 10, 11, 17].

The study of specific cases in the application of sanctions helps to form more practice-oriented conclusions on the effectiveness and consequences of sanctions, which do not always manifest in purely theoretical studies within the legal science. It should primarily be noted that the results illustrate that the formally highest legitimacy of sanctions lies in those imposed under the auspices of the UN; this, however, does not indicate their highest effectiveness. The case of sanctions against Iraq reveals that even well-founded sanctions can create catastrophic humanitarian results and criticism of human rights violations, which in turn can damage their image.

It demonstrates that sanctions can work when they are part of a whole international strategy and get endorsed by a big group of countries. It was the very combination of sanctions with diplomatic negotiations that in the end led to a

concrete political outcome, which confirms the argument that sanctions themselves have limited impact as an instrument of influence.

Sanctions against Russia and North Korea also bring to light the limited capacity of sanctions to alter the strategic behavior of states in issues of national security. In this case, sanctions are more likely to work as a deterrent and as a means of sustained pressure for political changes than as a fast tool for the actualization of high-level political changes, and therefore generally have less effect in the short term.

Particular focus needs to be given to secondary sanctions. Such measures are very effective from an economic point of view but also extremely contested on clear legal grounds because they are extraterritorial. They contradict the basic principles of sovereignty and equality of states and therefore represent one of the most controversial tools in modern international relations.

In conclusion, the effectiveness of sanctions is a direct function of the relative weight of three main factors: the level of their international legitimacy, the precision of their targeting, and the degree to which they avoid negative impacts on the civilian population. The violation of this balance leads to a decrease in the effectiveness of sanctions and increases the risk of undesirable legal and humanitarian consequences.

5. DISCUSSION

The results of the study indicate that the current practice of applying sanctions in international law mostly corresponds to basic theoretical legal approaches but demonstrates significant variability in their effectiveness depending on the political, economic, and institutional context. The results obtained in the study confirm the claims of leading scholars on sanctions as a legal instrument for the maintenance of international legal order and a complex mechanism of political influence, the effectiveness of which depends on the level of international coordination and consensus [1, 2]. In detail, the study results indicate that the sanctions adopted within the system of collective security under the Charter of the United Nations have the highest degree of formal legitimacy. This is in line with well-established theoretical perspectives that consider the UN Security Council as the primary body responsible for the maintenance of international peace and security.

The obtained results were compared with contemporary scientific research to confirm their consistency with the concept of a multi-level system of sanctions regulation, within which universal, regional, and national mechanisms of influence are combined. In particular, they confirm the findings on the growing importance of regional sanctions regimes, especially within the European Union, whose sanctions policy is one of the most legally detailed and institutionally controlled. Recent studies have placed emphasis on the fact that regional mechanisms can be more flexible and effective in the short term than universal bodies [6, 8].

The results also indicate the timeliness of the shift from comprehensive sanctions to more targeted forms of influence, which meets modern reductionist humanitarian approaches. This is in line with studies that show that "smart sanctions" achieve political goals with little collateral damage to civilians [11]. In this sense, the research broadens these approaches since it demonstrates that even targeted sanctions may indirectly affect the economic and social rights of the population and therefore should be assessed in a comprehensive manner.

However, the results of the study also reveal a number of problematic issues that to some extent coincide with critical approaches in the scientific literature. In particular, it was determined that the effectiveness of sanctions strongly depends on the level of international support and on the ability of target states to adapt to restrictions. This is consistent with conclusions regarding the limited effectiveness of sanctions when they are fragmented or not accompanied by proper coordination [10]. The findings are also consistent with the assumption that sanctions may be successful in the short term, but their long-term impact is more uncertain due to changing economic and political conditions [17].

Special attention in the study is given to the assessment of the compatibility of sanctions with the principles of international law, in particular the principles of sovereign equality of states and non-intervention in internal affairs. The obtained results confirm that sanctions adopted within the UN system generally comply with these principles, whereas unilateral sanctions, particularly extraterritorial ones, have generated significant legal disputes. This corresponds to the view expressed regarding these measures that they may constitute a violation of international law and therefore require clearer regulatory framework [7].

Comparison of the results with contemporary research in the field of human rights shows their consistency with the conclusion on the dual nature of sanctions as an instrument of international influence. On the one hand, sanctions contribute to international security and the maintenance of the rule of law; on the other hand, they may lead to violations of social and economic rights of the population. This is consistent with studies emphasizing the negative humanitarian impact of large-scale sanctions [13]. At the same time, the study complements these approaches and shows that even modern sanction mechanisms require further improvement regarding procedural guarantees and judicial review.

The results also support approaches that emphasize the increasing role of judicial institutions in sanctions policy. In particular, the well-developed practice of judicial review in the EU confirms the necessity of balancing sanction effectiveness with human rights protection. This is in line with current trends in international law to strengthen legal safeguards in the

implementation of restrictive measures.

So, the obtained results are within the scope of the current state of scientific literature but substantially expand it, confirming that the effectiveness of sanctions is determined not only by their legal regulation but also by a number of external factors, including political conjuncture, the level of international coordination, and the ability to take humanitarian consequences into account. In this context, a promising direction for further research would be the development of comprehensive approaches to sanctions policy that integrate, as necessary requirements of the present international legal order system, the certainty of law, economic efficacy, and the protection of human rights. In this sense, the results obtained are quite optimistic since most of the proposed measures fall within the political and economic capabilities of the country.

6. CONCLUSIONS

Sanctions in international law have evolved as a multi-dimensional and intricate tool of influence having legal, political, and economic dimensions. Their legitimacy is based on the norms of the UN Charter and the actions of the UN Security Council, thus providing a high degree of formal legitimacy within the collective security system. The formation and reinforcement of unilateral and regional sanctions regimes, especially within the European Union, reflect the fragmentation of sanctions law and the increasing role of decentralized enforcement mechanisms.

The analysis of theoretical legal approaches has shown that there is no single universal definition of sanctions, due to the diversity of their forms and functions. Sanctions can be used as an instrument for the international legal order, as a response to the violation of that order, and as an element of geopolitical competition. Such multifunctionality makes the task of their legal qualification quite complicated and, therefore, requires an in-depth comprehensive approach to their study.

The study of the regulatory framework has shown that the modern sanctions system is formed at different levels, namely multilateral, regional, and national. Legitimate sanctions are those applied within international organizations, but their effectiveness is often limited by political considerations. Regional sanctions regimes generally demonstrate greater flexibility and effectiveness but, at the same time, procedural and legal asymmetries arise. Unilateral sanctions, despite their rapid implementation, remain the most controversial regarding their compliance with principles of international law.

Complex assessment of the effectiveness of sanctions indicates that they are seldom employed as a single instrument to achieve political objectives but rather in concert with diplomatic and economic measures. The most successful sanctions are those with explicit objectives, a broad international coalition in their support, and one that is targeted against specific subjects. However, the imposition of comprehensive sanctions against an entire country usually has severe humanitarian consequences, which is at odds with the protection of human rights.

Sanctions should be human rights compliant. Even targeted sanctions can violate fundamental freedoms, for example, economic rights and the right to a fair trial. Therefore, there is a need to improve judicial control and procedural safeguards in the sanction regimes. The jurisprudence of international and regional judicial institutions plays a particularly important role in this context. In general, sanctions remain a controversial but powerful tool in international law, effectiveness being primarily a function of the equilibrium between legitimacy, proportionality, and humanitarian impact. Further development of the tool of sanctions must be based on an appropriate level of legal certainty, adherence to the principles of international law, and the least negative impact on the civilian population as a *sine qua non* condition for these measures to be effective and acceptable in contemporary international relations.

AUTHORSHIP AND CONTRIBUTIONS

The authors contributed equally to the conception, development, and writing of the manuscript. Their collaboration included defining research objectives, conducting data analysis, interpreting results, and preparing the manuscript.

DATA AVAILABILITY STATEMENT

Data are available from the corresponding author upon reasonable request.

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