

PRIMARY RESPONSIBILITIES OF THE UN SECURITY COUNCIL UNDER ARTICLES 24-25 OF THE CHARTER: A COMPREHENSIVE LITERATURE REVIEW ON THE LEGAL FORCE OF BINDING DECISIONS, MEMBER STATES' OBLIGATIONS TO COMPLY, AND THE STRATEGIC ROLE IN CONFLICT PREVENTION AND CONTEMPORARY INTERNATIONAL DISPUTE RESOLUTION

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Abstract

This study analyses the primary responsibilities of the UN Security Council under Articles 24-25 of the UN Charter through a literature review examining the legal force of binding decisions under Article 25, which explicitly requires member states to accept and implement Chapter VII resolutions such as Resolution 1373 (anti-terrorism) and 1718 (North Korea). compliance obligations that include national legal adjustments and sanctions committee reporting, as well as a strategic role in conflict prevention through Article 34 investigations and Chapter VI peace recommendations, along with contemporary dispute resolution via peacekeeping and Article 41 sanctions amid the challenges of the P5 veto and representation disparities. with key findings affirming the superiority of binding norms despite limited effectiveness due to geopolitical politicisation requiring structural reform for relevance in the multipolar era.

Keywords: UN Security Council, Articles 24-25 of the UN Charter, binding legal force, state compliance obligations, conflict prevention, international dispute resolution, Chapter VII of the UN Charter, P5 veto, collective security, Security Council reform.

Introduction

The Charter of the United Nations, adopted on 26 June 1945 in San Francisco, explicitly establishes the Security Council as the principal organ with primary responsibility for maintaining international peace and security through Article 24(1), which states that the Security Council shall bear that primary responsibility and shall act on behalf of all Members of the United Nations in exercising its authority, thus creating normative legitimacy for its decisions, which are binding on all member states, (Conforti, 2016) as confirmed in contemporary international legal practice, where Chapter VII resolutions have become a crucial instrument for dealing with global threats such as terrorism and the proliferation of weapons of mass destruction.

Article 24(2) of the UN Charter complements this framework by requiring the Security Council to act in accordance with the purposes and principles of the United Nations, which include conflict prevention through threat investigation (Article 34), recommendations for peaceful settlement (Articles 36-38), and coercive measures under Chapter VII if necessary, thus making the Security Council the centre of a collective security strategy designed to overcome the failures of the previous League of Nations, where the inability to bind member states led to the escalation of conflicts such as World War II (Wood, 1998). The binding legal force of Security Council decisions is affirmed in Article 25

of the UN Charter, which states that "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter," thereby creating an international legal obligation that takes precedence over the national laws of member states, as confirmed by the International Court of Justice in certain advisory opinions and resolution practices such as Resolution 687 (1991) concerning Iraq, which imposed global economic sanctions (Brownlie, 2008).

The doctrine of international law, as articulated by experts such as Malcolm Shaw and Ian Brownlie, views Article 25 as the basis for the binding force of Security Council resolutions even on non-member states through Article 2(6) of the Charter, whereby resolutions using the phrase "decides" or "acting under Chapter VII" result in positive obligations such as national law adjustments, asset freezes, and intelligence cooperation, although interpretative challenges arise when resolutions are merely recommendatory (Tansia, 2011). The obligation of member states to comply is not merely a normative formality, but includes practical implications such as the establishment of special sanctions committees (e.g. Committee 1373 on counter-terrorism) to monitor implementation, where non-compliance may result in further action by the Security Council or proceedings before the International Court of Justice, as seen in the case of North Korea with Resolution 1718 (2006) which mandates a global arms embargo and port inspections (Sefriani, 2005).

In the contemporary context, the strategic role of the Security Council in conflict prevention has become increasingly relevant amid the rise of hybrid disputes such as the Ukraine-Russia conflict and tensions in the South China Sea, where Article 24 provides a primary mandate for early investigation and mediation before escalation, although the veto mechanism by the five permanent members (P5) often hinders rapid response and gives rise to accusations of politicisation (Tansia, 2020). The resolution of international disputes through the Security Council covers a broad spectrum from Chapter VI peaceful diplomacy to Chapter VII peacekeeping operations, with more than 70 missions since 1948 successfully defusing conflicts in Africa and the Middle East. but the literature review highlights structural failures such as dependence on P5 approval, which weakens effectiveness against powerful countries, as in the case of Syria (Tuhulel, 2011).

The main challenges to this primary responsibility include geographical representation disparities in the Security Council, where the dominance of the P5 creates an imbalance of power that runs counter to the spirit of Article 24(3) on consultation with the General Assembly, thereby triggering demands for reform such as the addition of non-consequential permanent members for developing countries, including Indonesia (.

Thus, this study examines the extent to which Article 25 guarantees compliance by member states amid conflicts of national interest, as well as the effectiveness of the Security Council's strategic role in preventing the escalation of contemporary disputes such as Iran's nuclear proliferation and the Gaza crisis, where international legal literature points to a gap between binding norms and enforcement realities.

Research Method

This study uses a normative legal research method with a systematic statutory and conceptual approach, relying on primary sources such as the UN Charter, particularly Articles 24-25, along with Security Council resolutions related to , such as Resolution 1373 (anti-terrorism) and 1718 (North Korea), as well as secondary sources including international law textbooks (e.g., works by Malcolm Shaw and Ian Brownlie), indexed academic journals such as the American Journal of International Law and the Leiden Journal of International Law, and official UN documents including sanctions committee reports and advisory opinions of the International Court of Justice, with data collection techniques through thematic grouping (level of bindingness of Article 25, member state compliance obligations, and the role of conflict prevention/resolution), (descriptive-critical qualitative analysis to describe the legal force of binding decisions and their strategic implications in contemporary practice, and the principle of legal reasoning based on international legal doctrine to ensure the validity, reliability, and generalisability of findings on the dynamics of UN collective security enforcement in the era of hybrid conflict (Higgins et al., 2021) .

Results and Discussion

Legal Force and Compliance Obligations

Article 24(1) of the UN Charter establishes the Security Council as having primary responsibility for maintaining international peace and security, acting on behalf of all UN members, thereby creating a normative foundation for the binding legal force of its decisions, a construct designed after World War II to address the failure of the League of Nations, which lacked enforcement mechanisms, as emphasised in the preamble to the Charter, which emphasises collective security as a *jus cogens* principle of modern international law(Leovaldi Tirta, 2011) .

The complement to Article 24(2) requires the Security Council to act in accordance with the purposes and principles of the United Nations, including avoiding the use of force except under Chapter VII, which provides legitimacy for binding resolutions for conflict prevention, where this power is superior to bilateral agreements due to its nature as an authoritative source of international law under Article 38 of the Statute of the International Court of Justice. The core of legal force lies in Article 25 of the UN Charter: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter," which explicitly makes resolutions legally binding on 193 member states, even contrary to the principle of *pacta tertiis nec nocent nec prosunt* of the 1969 Vienna Convention because it includes non-members via Article 2(6) and Article 50 (R.A. Satria, 2015) .

International legal doctrine, as stated by Malcolm Shaw in International Law (2021), classifies resolutions with the phrase "decides" or "acting under Chapter VII" as binding decisions, as opposed to General Assembly recommendations, where their executive power allows for Article 41 sanctions such as economic embargoes or asset freezes. A

classic example is Resolution 687 (1991) following the Gulf War, which required Iraq to destroy its weapons of mass destruction and pay reparations, with non-compliance triggering further sanctions, proving that Article 25 creates positive legal obligations that require adjustments to national constitutions (Shaw, 2021). Member states' compliance obligations include procedural aspects such as reporting to the sanctions committee (Article 48), whereby Resolution 1373 (2001) on counter-terrorism requires domestic legislation criminalising terrorist financing and intelligence cooperation, applied universally including in Indonesia via Law No. 15/2003. The decision-making process is regulated by Article 27: a majority of 9/15 votes with no veto by the P5 on substantive matters, ensuring consensus among the major powers, so that resolutions that pass have legally binding supermajority authority (Bowett, 1992).

Although binding, the interpretation of "decisions" versus "recommendations" has become a doctrinal debate; the International Court of Justice in the Namibia Advisory Opinion (1971) confirmed the binding nature of Resolution 276 on South Africa, affirming its superiority over claims of sovereignty. The obligation to comply is not absolute; it is limited by the principle of self-defence under Article 51 and domestic jurisdiction, but non-compliance, such as North Korea's non-compliance with Resolution 1718 (2006) on nuclear weapons, triggers gradual sanctions, demonstrating the gradation of enforcement via Article 39's determination of threats to peace (Grace A.A. Tansia, 2023).

In the Indonesian legal system, UN Security Council resolutions are integrated via Article 27 of the 1945 Constitution and Law No. 37/1999 on the Ratification of the Charter, with an example of the implementation of sanctions against Iran in Resolution 1747 (2007) through a Minister of Foreign Affairs Decree, although challenges in executive-legislative coordination often arise. The main challenge to compliance is the P5 veto, which politicises resolutions, such as Russia's veto on Syria, weakening legitimacy and causing systemic non-compliance, as criticised in the literature on Security Council reform (Mochtar Kusumaatmadja, 1998).

The legal implications for non-members via Article 50 allow for assistance to third countries affected by sanctions, extending the scope of extraterritorial binding, such as the 1970s Libyan embargo that affected global trade. The evolution of this power through the "effectivity doctrine" whereby mass compliance reinforces norms, but enforcement gaps require strengthening the ICC or veto reform for the multipolar era (Conforti, 2016).

Overall, Article 25 forms the pillar of the collective security regime with superior legal force and comprehensive compliance obligations, although its effectiveness depends on geopolitical consensus, making this analysis essential for contemporary international law enforcement. The doctrinal evolution of Article 25's legal force in contemporary practice is increasingly evident through the development of thematic resolutions that transcend specific conflicts, such as Resolution 1540 (2004), which obliges all UN member states to prevent the proliferation of weapons of mass destruction by non-state actors by adopting mandatory domestic legislation, implementing strict export controls, ensuring the physical security of radioactive materials, and reporting implementation periodically

to the 1540 Committee, which was established specifically to monitor global compliance, (Brownlie, 2008) thus creating a new international legal norm that is universally binding even on states that were previously sceptical of collective security intervention, although domestic jurisdictional challenges and the technical capacity of developing countries often hinder the full effectiveness of these obligations, as reflected in annual UN reports showing disparities in implementation between regions, with Western countries tending to be more compliant than Africa and Central Asia(Tansia, 2011) .

The Strategic Role of Prevention and Resolution

Article 24 of the UN Charter, which establishes the Security Council's primary responsibility for maintaining international peace, strategically includes the function of conflict prevention through Article 34, which allows for factual investigations into situations that may threaten peace, thereby enabling early identification of threats such as military escalation or border violations before they reach the stage of open violence, as seen in historical practice such as the investigation of the 1956 Suez Crisis, where the Security Council's report formed the basis for effective peace recommendations, although it ultimately required Chapter VII intervention(Sefriani, 2005) .

The preventive role continues with Article 36(1), which authorises the Security Council to recommend peaceful settlement procedures for legal or factual disputes, including mediation, arbitration, or referral to the International Court of Justice, where this strategy has successfully defused tensions such as in the post-1948 India-Pakistan Kashmir dispute after 1948 through resolutions that encouraged a ceasefire and ongoing bilateral negotiations (Grace A.A. Tansia, 2020) .

Article 37 of the UN Charter strategically strengthens the role of the Security Council by providing the option of compulsory referral to peaceful settlement procedures under Chapter VI if previous recommendations based on Article 36 fail to be accepted by the disputing parties, thus making the Security Council the main gatekeeper for preventing the escalation of conflict from the initial mediation stage to more decisive collective action, as seen in the practice of the Yemen conflict where the initial Security Council resolution 2216 of 2015 encouraged dialogue between the Houthis and the Saudi government through peaceful mechanisms before resorting to gradual economic sanctions against the parties that refused a ceasefire, although full implementation is often complicated by vetoes or strategic abstentions from permanent members with geopolitical interests in the region, highlighting the complex dynamics between the normative mandate of Article 37 and the multilateral political realities that influence the overall effectiveness of conflict prevention.(Tuhulel, 2011) .

In preventing non-traditional conflicts such as global terrorism, the Security Council uses Article 39 to determine threats to peace, resulting in preventive resolutions such as Resolution 2178 (2014) on the suppression of ISIS foreign fighters, which requires intelligence cooperation and the prevention of radicalisation, making it a strategic hybrid instrument of prevention and enforcement. The transition to dispute resolution under

Chapter VII begins with Article 39, where the Security Council determines the existence of a threat, violation, or aggression against peace, triggering non-military actions under Article 41 such as strategic economic sanctions to enforce compliance without war, such as the Iranian oil embargo Resolution 1929 (2010) which gradually weakened the nuclear programme(Leovaldi Tirta, 2011) .

If sanctions fail, Article 42 allows for military action, but practice relies more on peacekeeping under Chapter VII mandates such as MONUSCO in Congo, which involves 20,000 troops for post-genocide stabilisation, where the Security Council's strategic role lies in renewing the mandate annually for dynamic adaptation to new threats. An example of a successful resolution is Resolution 1244 (1999) on Kosovo, which ended the Yugoslav War with the UNMIK administration and a resolution on final status, although the 2008 independence controversy shows the limits of the Security Council's role in issues of permanent sovereignty (R.A. Satria, 2015) .

Contemporary strategic roles include preventing pandemics as threats to peace via Resolution 2532 (2020) COVID-19, which supports a global ceasefire for humanitarian access, expanding the interpretation of Article 24 to hybrid health-security threats. In the South China Sea dispute, the Security Council has the potential to investigate Article 34 on territorial claims, but China's veto hinders this, highlighting the strategic dependence on P5 consensus, which often prioritises national interests (Shaw, 2021) .

Peacekeeping as a pillar of resolution has evolved into "robust peacekeeping" as in Mali MINUSMA, which integrates counter-terrorism with Article 25 obligations of troop-contributing countries, although 300+ civilian casualties underscore the need for a stronger mandate. Challenges to the preventive role include the politicisation of the veto, such as Russia's 18 vetoes on Ukraine since 2014, which have blocked investigations, thereby undermining the effectiveness of Article 24 and encouraging parallel initiatives such as Peacekeeping Plus by the African Union (Bowett, 1992) .

Strategic reforms were proposed through General Assembly Resolution 76/262 (2022) on the veto initiative, which requires explanations for vetoes, increasing transparency in the Security Council's role in preventing future conflicts. For Indonesia as a developing country, this strategic role is relevant through Garuda's contribution to UNIFIL Lebanon, where the implementation of Article 25 strengthens the position of multilateral diplomacy while aligning with the free and active foreign policy of " Tansia, 2023) . This underscores that despite being effective in 70% of peacekeeping missions, failures such as Rwanda in 1994 due to the absence of a Chapter VII mandate highlight the need for a broad interpretation of Article 24 regarding the threat of genocide. Future implications include the integration of AI and cyber into prevention mandates, whereby the Security Council needs to adopt new resolutions to anticipate cyber warfare as a threat to peace under Article 39(Mochtar Kusumaatmadja, 1998) .

Overall, the strategic role of the UN Security Council through the normative construction of Article 24-25 of the UN Charter, which explicitly establishes the primary responsibility for maintaining international peace and security along with the binding

obligations of member states, has shaped the architecture of conflict prevention through Article 34 investigations and Chapter VI peace recommendations, as well as dispute resolution through Article 41 sanctions and Chapter VII military operations, which have adaptively adjusted to the evolution of global threats from conventional conflicts after to contemporary hybrid challenges such as transnational terrorism, nuclear proliferation, cyber warfare, and humanitarian crises. although the effectiveness of this architecture is increasingly being tested by geographical and political representation disparities, where the dominance of the five permanent members (P5) with their almost absolute veto power often prioritises national interests over collective interests, thus creating an urgent need for structural reforms such as the addition of non-consequential permanent members for developing countries, including Indonesia, strengthening the transparency of the veto mechanism through General Assembly Resolutions, and enhancing synergy with regional arrangements under Articles 52-54 to ensure the institutional relevance of the Security Council amid the shift in global power towards a multipolar era marked by the rise of Asia, the weakening of Western unipolar supremacy, and the emergence of non-state actors in international security dynamics.

Conclusion

Based on Articles 24-25 of the UN Charter, the Security Council's primary responsibility in maintaining international peace and security is proven to have superior binding legal force through Article 25, which explicitly requires member states to accept and implement resolutions, particularly under Chapter VII, with the phrases "decides" or "acting under Chapter VII." thus creating positive legal obligations that include the adjustment of national laws, reporting to sanctions committees, and international cooperation in dealing with global threats such as terrorism through Resolution 1373 (2001) or nuclear proliferation through Resolution 1718 (2006). although historical practice shows limited effectiveness due to the politicisation of the veto by the five permanent members, who often prioritise national geopolitical interests over collective interests.

The strategic role of the Security Council in conflict prevention through Article 34 investigations, Chapter VI peace recommendations, and contemporary dispute resolution via peacekeeping and Article 41 sanctions has shaped a collective security architecture that is adaptive to the evolution of threats from conventional conflicts such as the 1956 Suez Crisis to hybrid challenges such as the Ukraine crisis, COVID-19, and South China Sea tensions, where more than 70 peacekeeping missions have successfully stabilised post-conflict regions despite structural failures like Rwanda in 1994 and Syria due to vetoes, underscoring the need for representational reform to enhance legitimacy and responsiveness.

With that in mind, this study recommends strengthening compliance through stricter monitoring mechanisms by the sanctions committee, transparency of vetoes via General Assembly resolutions, the addition of non-consequential permanent members for developing countries such as Indonesia, and the harmonisation of resolutions with

national laws to address the gap between the binding norms of Article 25 and the reality of enforcement, thereby strengthening the effectiveness of the Security Council's primary responsibility in the contemporary multilateral architecture while opening up avenues for further empirical research on the impact of reform on global conflict prevention.

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