



## Efficiency in Violence: Analyzing Israel's War Crimes in Gaza through the Economic Analysis of Law Approach

Rachmayani Andranurviza<sup>1\*</sup>, Rohmadtika Dita<sup>2</sup>, Nyala Candrika Tifani<sup>3</sup>, Muhammad Ikhwan Hakiki<sup>4</sup>  
<sup>1,2,3,4</sup> Institut Ilmu Sosial dan Ilmu Politik (IISIP) Jakarta, Indonesia

(\*) Corresponden Author: rachmayani@iisip.ac.id

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This paper examines the war crimes committed by Israel in Gaza following the events of October 7, 2023, using the Economic Analysis of Law (EAL) approach through the lens of international relations. The EAL approach is used to show how that the country blatantly disregards the set legal provisions and continues to violate human rights. The qualitative method and the normative-empirical analysis are used to understand the rationality of Israel based on cost-benefit calculations resulting from EAL theory. The findings hint at the notion that actions are rational considering the economic benefits accruing from military dominance, domestic political support, and strategic advantages since weak enforcement allows such to be consistently possible. The paralysis of organizations such as the UN, ICJ and ICC in enforcing laws and imposing sanctions further reinforces this dynamic. This reflects that legal reform and enforcement need to occur within global governance to prevent future violations by powerful countries. It also contributes to discussions on legal accountability in international conflicts and underscores the importance of restructuring incentives within the international legal system to uphold justice and protect human rights on a global level.

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## INTRODUCTION

The Israel–Palestine conflict has lasted for more than 75 years and is marked by a long history of colonization and human rights violations committed by Israel. This history is accompanied by the Palestinian people's struggle to achieve full independence. Israel's colonial practices can be seen through a series of events such as the 1948 Nakba, the post-1967 war occupation, the 1982 massacre in the Beirut refugee camps, and the Intifadas

movement (1987–2005), all of which demonstrate that violence against the Palestinian people has long been recognized (Ilham et al., 2024). This crime occurred throughout the Palestinian territories, both in the West Bank and Gaza.

The culmination of this was Israel's invasion of Gaza following October 7, 2023, under the pretext of retaliating against Hamas' attacks, which instead triggered a more massive wave of war crimes (Seddon, 2023). The events of October 7, 2023, appear to have served as a moment for Israel to launch an extremely destructive counteroffensive against Gaza. Under the justification of "self-defense," Israel launched a series of violent actions that were far more brutal than previous military operations (Sari, 2017). These actions not only violate international humanitarian law, but also breach the 1948 Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide) (Enkhsaikhan, 2019). As argued by Professor Ras Segal, an expert on genocide and the Holocaust from Stockton University, in his interview with *Democracy Now!*, the situation in Gaza represents "a textbook case of genocide" (Segal, 2023). This argument was later reinforced by a resolution issued by international genocide scholars (The International Association of Genocide Scholars, IAGS) in September 2025. The resolution stated that "Israel's policies and actions in Gaza meet the legal definition of genocide under Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948)". The resolution was supported by 86 percent of the association's 500 members (Staff, 2025).

By using the perspective of international relations and the realist approach in this study, it can be understood that states often act based on national interest motivations, such as economic interests and military power (Usiemure O. Christopher, 2022). In terms of policymaking, the realist approach also explains that a state's policy is based on a rational cost-benefit analysis. In other words, states make decisions based on rational choices where the primary motivation is national interest (Peter Pham, 2008). The relevance to the economic analysis of law (EAL) approach, used as the main analytical lens in this study is, how international relations perspectives view law as an instrument to achieve economic efficiency in interstate interactions (Parisi, 2016). The EAL approach is used to understand a state's legal decisions based on cost-benefit calculations, not merely on established legal norms, in this case, international law. In this research, Israel as a state actor can be analyzed as a rational actor in choosing its military policies. If the economic, political, and strategic benefits of aggression outweigh the international sanctions or pressures, then international law is deemed to have failed in creating effective disincentives (Eugene Kontorovich and Parisi, 2016). This raises a critical question: **Is international law efficient as a mechanism for controlling state behavior? and, is military aggression considered "rational" because its economic or political gains outweigh the legal costs?**

The significance of this study spans several aspects that address the research questions, namely conceptual, empirical, and normative dimensions. Conceptually, the application of Economic Analysis of Law (EAL) is extended beyond its traditional domain by adopting this framework in the context of contemporary asymmetric warfare in Gaza. The EAL concept developed by Stephen Posner was further elaborated by Eugene Kontorovich and Francesco Parisi in their book *Economic Analysis of International Law*, which focuses on state policies and international actors grounded in economic rationality, transaction costs, and legal efficiency (Eugene Kontorovich and Parisi, 2016). When applied to the domain of war crimes and its relation to international

humanitarian law, this approach offers conceptual novelty by framing violence as a calculated decision rather than a mere irrational emotional outburst. The study introduces a new terminology for understanding state responsibility and accountability.

Empirically, this study seeks to deepen the understanding of the crime of genocide committed by Israel by collecting official statements from Israeli political elites, documented military actions, and responses from international institutions, and weaving them into a coherent analytical narrative. Normatively, the study's significance lies in its attempt to unveil the structural veil of the international legal system by demonstrating how "efficiency in violence" emerges within an order that lacks credible enforcement instruments. This raises urgent questions about the future of global justice. The findings underscore the need to critically reassess how the UN Security Council, the International Court of Justice (ICJ), and the International Criminal Court (ICC) operate, particularly in conditions where a state's geopolitical protection undermines the application of international legal norms.

By combining the perspectives of law and economics with international relations, this study seeks to further elaborate that violations of the laws of war or international humanitarian law are not only the result of weak moral commitment, but also stem from an inefficient global incentive structure. Furthermore, this research aims to offer an alternative critique of the moral or human rights-based approaches, which have long been dominant but have yet to adequately explain why Israel continues to commit crimes in Gaza. This study is expected to offer a new perspective on the Israel–Palestine conflict while also providing an evaluation of the effectiveness of the international legal system through the lens of efficiency analysis.

The main theory used in this research is Richard Posner's *Economic Analysis of Law*, which is based on the idea that law should be viewed from the standpoint of efficiency, not merely morality (Posner, 1998). In addition, the study draws on realist theory with rational choice in policy-making as presented by Karen Mingst, who argues that states as the primary actors in international relations, act to maximize their national interests by considering the costs and benefits of every policy decision (Mingst, 1998). In line with the arguments of Mearsheimer (2001) and Krasner (1999), states tend to consistently seek to maximize their relative power for the sake of survival, and they do not hesitate to selectively employ international norms and laws to support their national interests, politics or economics (Mearsheimer, 2001)(Mearsheimer, 1994)(Krasner, 1999).

These two perspectives are supported by the book *Economic Analysis of International Law* by Eugene Kontorovich and Francesco Parisi, which adapts the principles of Economic Analysis of Law (EAL) to international law, as previously explained. This argument also aligns with Mingst, Mearsheimer, and Krasner's perspective by emphasizing that state policies are fundamentally grounded in national interest, shaped by calculations of power and economic gain, rather than purely by legal norms. However, although Economic Analysis of Law (EAL) seeks to explain the rational calculus that motivates state behavior, its explanatory power becomes significantly stronger when situated within the structural constraints of international institutions. Institution such as the United Nations Security Council, the International Court of Justice (ICJ), and even the International Criminal Court (ICC) are limited by politically driven veto powers. Furthermore, the imbalance of power relations among states and the absence

of firm and binding enforcement mechanisms compound these institutional limitations. (Krasner, 1999). These institutional weaknesses create conditions in which violations of international humanitarian law are not only possible, but in fact recurrent and predictable. (Kuster, 2019).

In such circumstances, Economic Analysis of Law (EAL) reveals how states exploit institutional inertia and leverage geopolitical alliances to minimize the costs of legal violations. Consequently, when EAL intersects with international law, we are confronted with an uncomfortable reality: although legal norms are well established, their enforcement remains contingent upon the political will of states. Within this asymmetry, powerful nations often find ways to evade accountability and secure their own strategic interests. Furthermore, it argues that international institutions are only effective if they provide economic incentives for states to comply with the rules. In addition, this research will also draw upon international legal instruments such as the Geneva Conventions, the Genocide Convention, and the Rome Statute as the legal basis for the laws of war and crimes against humanity.

## LITERATURE REVIEW

This study uses several literatures as theoretical foundations and sources of relevant issues to identify and explore under-researched areas, as summarized in the following table:

No.	Reference	Title	Content	Relevance
1.	(Slimia, 2022)	<i>The Israeli War on the Gaza Strip: From Crimes Against Humanity to Genocide</i>	It discusses Israel's attacks on Gaza, which meet the legal criteria for genocide. Therefore, there is an urgent need to pursue legal action to hold Israel accountable in international court.	Supports the argument of "illegal efficiency calculation" (EAL) with evidence from the ICC and acts of genocide.
2.	(Ak, 2024)	<i>Crime of the Century: Israel's State Terrorism and International Law Violations in Gaza Strip</i>	Discusses evidence of systematic war crimes violations, including the use of violence against civilians and infrastructure as	Relevant to the discussion on how Israel maximizes strategic gains from war by exploiting impunity under

No.	Reference	Title	Content	Relevance
			instruments of state terror.	international law.
3.	(Lindra Arif Erma Sugitanata, Rusdiana, 2025)	<i>War Crimes and Legal Accountability in the 2023 Israel-Gaza Conflict</i>	Discusses the review of <i>jus in bello</i> violations, including Israel's war crimes and the failure of international law to provide legal certainty.	Presents an argument about the minimal legal impact and the rational determination of states. This writing aligns with the EAL framework, which assesses the weakness of punitive structures.
4.	(Tom Dannenbaum and Janina Dill, 2024)	<i>International Law in Gaza: Belligerent Intent and Provisional Measures</i>	Discusses Israel's actions regarding the blockade of Gaza and the use of starvation as a method of warfare. It also examines how international law functions in ongoing conflict situations. Additionally, it highlights the role of the International Court of Justice (ICJ), which can impose provisional measures to mitigate the impact of the conflict.	Provides a legal basis within the EAL framework regarding starvation as an instrument of Israel's warfare strategy.

No.	Reference	Title	Content	Relevance
5.	(Jamshidi, 2024)	<i>Genocide and Resistance in Palestine under Law's Shadow</i>	Discusses the structural and collective actions carried out by Israel against the Palestinian population.	Additional argumentation emphasizing the legal context that enables Israel to carry out acts of violence systematically.
6.	(Tetyana Krupiy *, 2021)	<i>Leaving The Dice For Play: A Critique Of The Application Of The Law And Economics Lens To International Humanitarian Law</i>	Discusses about critiques the Law and Economics (L&E) approach to International Humanitarian Law (IHL), arguing that its emphasis on economic rationality and wealth maximization distorts the ethical foundations of IHL and fails to account for its symbolic, psychological, and collective dimensions.	This article engages critically with the Law and Economics framework by applying it to Israel's war crimes in Gaza, while acknowledging its limitations in capturing the ethical foundations and humanitarian imperatives of international law.
7	(Khadija Umar and Zia-ur-Rahman, 2025)	<i>Genocide in Real Time: A Critical Analysis of The Political Logic of Civilian Destruction in Gaza</i>	Discusses the violence perpetrated by Israel in Gaza since October 7, 2023, is not merely a consequence of war, but a form of political violence that is strategic,	This article Relevant for strengthening the theoretical framework, critiquing international law, and analyzing patterns of violence in Gaza, this

No.	Reference	Title	Content	Relevance
8	(Dunoffrt & Trachtman, 1996)	<i>The Law and Economics of Humanitarian Law Violations in Internal Conflict</i>	systematic, and exhibits patterns of genocidal intent framed in legal language such as “self-defense,” “human shields,” and “military necessity. Discusses the economic approach can help illuminate why violations of humanitarian law occur, but also emphasizes that this framework risks reducing armed conflict to mere rational calculations, thereby neglecting the moral, normative, and humanitarian responsibilities that lie at the heart of international humanitarian law.	article also serves to balance the Economic Analysis of Law (EAL) with non-economic theoretical perspectives. This article relevant give an offers an internal critique of the EAL, allowing the analysis of Israel’s “efficiency” in violence in Gaza to be balanced with the awareness that economic logic cannot fully capture human suffering and the moral obligations that underpin international humanitarian law.

All of the above literature is categorized into three cluster :

1. Literature on War Crimes and Genocide in Gaza, including titles : *The Israeli War on the Gaza Strip: From Crimes Against Humanity to Genocide*, *Crime of the Century: Israel’s State Terrorism and International Law Violations in the Gaza Strip*, and *War Crimes and Legal Accountability in the 2023 Israel-Gaza Conflict*. These three works focus on empirical grounding to provide a factual basis for analyzing the Gaza case. They contribute to building an empirical and

international legal foundation regarding patterns of war crimes, indications of genocide, and systematic violations committed by Israel, thereby clarifying the normative and factual context of Gaza.

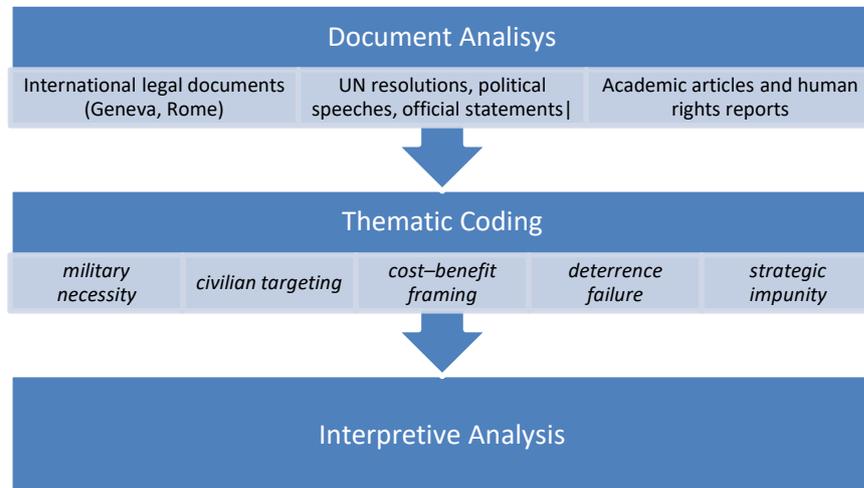
2. Literature on International Law, Intent, and the Failure of Global Institutions, including titles *International Law in Gaza: Belligerent Intent and Provisional Measures* and *Genocide and Resistance in Palestine under Law's Shadow*. These two works focus on the failure of international institutions in enforcement, thereby supporting the EAL thesis that violations become “efficient.” They underscore that international law functions not as a deterrent, but merely as a procedural stage.
3. Literature on critiques of EAL in Armed Conflict, including titles: *Leaving the Dice for Play: A Critique of the Application of the Law and Economics Lens to International Humanitarian Law*, *Genocide in Real Time: A Critical Analysis of the Political Logic of Civilian Destruction in Gaza*, and *The Law and Economics of Humanitarian Law Violations in Internal Conflict*. These works focus on counter-arguments to EAL and critiques of the framework, highlighting its lack of neutrality and its failure to account for ideological motivations in warfare.

The Economic Analysis of Law (EAL) approach employed in this research is not without criticism. On one hand, it offers a pragmatic lens to explain Israel’s military aggression in Gaza; on the other hand, several scholars question the EAL framework for overly simplifying the moral and humanitarian dimensions of conflict and war. In *Leaving the Dice for Play: A Critique of the Application of the Law and Economics Lens to International Humanitarian Law*, Krupy (2021) argues that EAL risks reducing the meaning of war to a mere series of economic calculations, thereby sidelining the ethical obligations of states or international actors that lie at the core of international law itself (Tetyana Krupiy \*, 2021). Another critique argues that the Economic Analysis of Law (EAL) is insufficient in explaining irrational state behavior and ideological motivations that go beyond material incentives. For instance, studies on the Russia-Ukraine conflict highlight the challenges in enforcing international humanitarian norms due to the lack of political will and the limited capacity of international institutions to impose sanctions for violations (Orzhynska, 2024). Other relevant studies, such as the Myanmar conflict involving the Rohingya ethnic group, also demonstrate that violations often occur not because state actions are “efficient,” but because perpetrators operate within structurally unaccountable environments lacking effective mechanisms of accountability (UNSC, 2018). Reading these critiques underscores the importance of balancing economic rationality with the normative commitments embedded in international humanitarian law.

## METHODS

This study employs a qualitative approach combined with normative-empirical analysis (Creswell, 2024). The qualitative approach is used to gain a deeper understanding of the phenomena of violence and violations of international law committed by Israel in Gaza, through the lenses of law and economics, international relations, and international law. The normative-empirical analysis helps to examine how law functions both theoretically and in practice. This research relies on secondary literature, including books, academic journals, international legal documents, political elites’ speeches, and human rights reports. According to Bowen, document analysis is a legitimate and robust

qualitative method for interpreting policies, political texts, and official reports (Bowen, 2017). The analytical method employed in this study is illustrated through the following flowchart :



Document analysis was conducted to unravel narrative patterns and representations in international legal documents, speeches by Israeli political elites, human rights investigation reports, and academic studies. This technique was used not only to read the text as a source of information, but also as a discourse construction that describes the position of power, justification strategies, and political logic behind the military aggression in Gaza. Thematic coding was carried out by compiling categories such as *military necessity*, *civilian targeting*, *cost-benefit framing*, *deterrence failure*, and *strategic impunity*, to enable researchers to trace how violence is produced and rationalized by the state.

These findings were then combined into an interpretive analysis of incentives, rooted in the Economic Analysis of Law (EAL) approach. At this stage, researchers examined the incentive structures that shape Israel's military actions, ranging from domestic political gains, support from allied countries, low risk of international sanctions, to weak global law enforcement mechanisms, including those of the UN, ICJ, and ICC. In this way, the study can evaluate whether the violence perpetrated by a state such as Israel emerges as a form of “strategic efficiency” that occurs because the legal costs are low while the political and military benefits are very high. This analytical approach allows the study to capture the complexity of the Gaza war, not only as a series of military actions, but also as a practice of violence that is rationalized, legitimized, and produced through interactions between law, politics, and global incentive structures.

In conducting this research, the author utilized generative AI tools such as Typeset.io to search for and comprehend complex academic texts, and the AI-based website OpenKnowledgeMap to identify and map relevant scholarly literature, and finally used Microsoft Copilot as a tool to structure and logically organize the written narrative.

## RESULT AND DISCUSSION

### Result

On October 7, 2023, during the Jewish holiday, the military wing of Hamas, the Al-Qassam Brigades, launched an attack on Israeli territory by land, air, and sea (Britannica, 2025). The group managed to breach the border and infiltrate an Israeli military command post near the Gaza border, attack Israeli military bases, disable Israeli tanks, and strike the Nova Music Festival held in the desert. They also took 251 hostages and brought them into Gaza (Seddon, 2023).

Israel reported that the Hamas attack resulted in the deaths of 1,500 people, including 40 babies who were allegedly beheaded—although, to date, Israel has not been able to provide evidence for the beheading of the babies. In contrast, data released by Human Rights Watch reported 1,195 fatalities, most of whom were civilians (hrw.org).

This Hamas offensive was widely reported as one of the largest in the history of the Israel–Palestine conflict, and Israeli forces failed to prevent it. In an official statement, Israeli Prime Minister Benjamin Netanyahu declared that Hamas had launched a brutal war against Israel by killing innocent people. He added that such an unprecedented attack would never be allowed to happen again, and asserted that Israel would retaliate and completely eliminate Hamas (Ginsburg, 2024).

After that, Israel has launched retaliatory attacks against Hamas in the Gaza Strip, carried out by both air and ground forces. The initial strikes targeted Northern Gaza, following an announcement from Israel ordering residents of Northern Gaza to evacuate their homes within 24 hours (Sorace, 2023). Hundreds of thousands of civilians fled to other areas, including Central and Southern Gaza. This marked a repeat of the Nakba, but in an even more brutal and horrifying form. Israel dropped hundreds of bombs that targeted Gaza's residential areas. Rather than striking Hamas militants, the Israeli attacks destroyed civilian facilities and infrastructure, including hospitals, schools, places of worship, refugee camps, bakeries, and even ambulances (Santoso, n.d.). The assaults were relentless and marked by extreme brutality, killing doctors, medical personnel, humanitarian workers, and journalists. Tragically, these atrocities were broadcast to the world in real time.

Within just 49 days of Israel's offensive, the death toll in Gaza had reached 15,000, most of them women and children. By 2024, Israel's war crimes against the people of Gaza had resulted in 41,800 deaths and 96,794 injuries. These numbers do not include those still trapped under the rubble caused by Israeli airstrikes (Katriana, 2024). Today, Gaza is experiencing one of the worst humanitarian crises in the world. If we take a step back to the 2014 war in Gaza, the Israel Defense Forces (IDF) had already committed clear violations of international humanitarian law in their conflict with Hamas. The military strategy launched by Israel was called Operation Protective Edge the third and largest military operation in the history of Israel's wars against Hamas in Gaza since 2008 (Sari, 2017). During this operation, Israel conducted large-scale attacks that resulted in significant civilian casualties and widespread destruction of residential areas in Gaza. Although Israel claimed that the operation was an act of self-defense in response to prior rocket attacks by Hamas, international humanitarian law does not accept this justification (Watch, 2014). The International Court of Justice (ICJ) even rejected Israel's rationale for the Operation Protective Edge. This position refers to the 1949 Geneva Conventions, which prohibit attacks targeting civilians or causing disproportionate harm to non-

combatants.

According to data from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), during the 2014 war in Gaza, the number of civilian deaths reached 2,500, with hundreds of thousands injured and many civilian infrastructures destroyed (Lives, 2014). Israel's violations of international humanitarian law and acts of war crimes were investigated by the UN Human Rights Council (UNHCR), yet once again, Israel appeared to enjoy a kind of "legal immunity," largely due to the veto power held by its ally, the United States, in the UN Security Council. Repeated resolutions condemning Israel's actions failed to pass because of U.S. vetoes (Taba, 2023).

The Hamas attack on October 7, 2023, became a momentum for Israel to exact its vengeance against Hamas. Under the same pretext of "self-defense," Israel then carried out a series of crimes against humanity that were even more brutal than previous wars and military operations. Israel's military aggression on Gaza was accompanied by extreme blockade measures, severely restricting the entry of humanitarian aid and resulting in a devastating famine. This strategy has been regarded as a weapon of war deployed by Israel in Gaza (Larson, 2024).

The series of crimes against humanity committed by Israel in Gaza not only violate international humanitarian law but also breach the Convention on the Prevention and Punishment of the Crime of Genocide (1948) (Jamshidi, 2024). As stated by Professor Ras Segal, a scholar of Genocide and Holocaust Studies at Stockton University, USA, in an interview with the media outlet Democracy Now, he described the situation as "a textbook case of genocide" (Segal & Daniele, 2024). This argument was later reinforced by a resolution issued by international genocide scholars (The International Association of Genocide Scholars, IAGS) in September 2025. In addition, UN Special Rapporteur Francesca Albanese also called for punishment for Israel's alleged genocide, accusing Israel of violating international law. (Riswan, 2024). The same sentiment was echoed by the UN High Commissioner for Human Rights, Volker Türk, who said that Israel's actions demonstrated a "structural failure to hold accountable" violations of international humanitarian law. (Donmez, 2025).

These genocidal crimes by Israel prompted South Africa to file a case against Israel at the International Court of Justice (ICJ) in January 2024, accusing it of genocide and violations of the 1949 Geneva Conventions (Berg, 2024). The ICJ subsequently issued a ruling ordering Israel to halt its acts of genocide in Gaza and to open access for humanitarian aid (Isa, 2024). Following the ICJ's decision, the matter progressed to the International Criminal Court (ICC), where in May 2024, Chief Prosecutor Karim Khan submitted arrest warrants (base on Rome Statute, (Court, 2011)) against Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, charging them with war crimes committed against the people of Gaza (ICC, 2024). This marked one of the most significant achievements of international law since the escalation of the Israel-Palestine conflict and Israel's war on Gaza. Although in reality, to date, neither of Israel's political elites has been successfully prosecuted under international law.

## Discussion

From the perspective of Economic Analysis of Law (EAL), Israel's conduct can be interpreted not as irrational brutality but as a rationalized policy rooted in strategic

calculation as the outcome of a rational cost-benefit calculation underpinning its military strategy. EAL posits that actors behave rationally, evaluating legal actions or violations based on the balance of incentives and disincentives provided by the legal system (Posner, 1998)(Eugene Kontorovich and Parisi, 2016). In this context, Israel's aggressive military response appears as a *cost-efficient* method of achieving multiple objectives : military dominance, deterrence, domestic political legitimacy, and regional control.

Following the Hamas attack on October 7, 2023, Israeli Defense Minister Yoav Gallant announced a full siege on Gaza, declaring: *"I have ordered a complete siege on Gaza. There will be no electricity, no food, no water, no fuel... We are fighting human animals and we are acting accordingly."* (Aljazeera, 2023). This statement reflects not only a moral degradation, but also a deliberate strategy of resource deprivation particularly starvation, as a method of military coercion. Other statement from Tally Gotliv (Member of Knesset, Likud) said *"Bring down buildings!! Bomb without distinction!! Stop with this impotence. You have the ability. There is worldwide legitimacy! Flatten Gaza. Without mercy! This time, there is no room for mercy!"* (Griff, 2024). This rhetoric also suggests that indiscriminate attacks and extreme violence are considered justifiable as a strategy.

Within the logic of EAL, such tactics are employed not solely for their moral or legal implications, but because they offer a cost-efficient means of achieving strategic objectives: minimizing the need for a full-scale ground invasion, reducing military expenditure, and maximizing pressure on the opposing side through humanitarian collapse. Overall, it can be explained that the potential benefits gained by Israel through its military violence in Gaza include strategic military advantages in suppressing Hamas's position in Gaza, increased domestic political support from right-wing and militaristic groups, and the reinforcement of its international image as a strong state unwilling to submit to external pressure. Although a ceasefire agreement between Israel and Hamas was reached in 2024, which resulted in a hostage exchange between both parties. But Israel unilaterally cancelled the agreement and resumed its military campaign in Gaza.

In a speech, Prime Minister Netanyahu asserted that there was "no choice" but to continue the war until Hamas is destroyed, hostages are released, and Gaza is no longer perceived as a threat (Federman, 2024). This statement reflects a focus on securing strategic gains that are considered more important than the potential consequences under international law. It demonstrates the classic cost-benefit calculus inherent in Economic Analysis of Law (EAL).

From the perspective of international law, Israel's aggression and violence in Gaza can be considered relatively low-cost due to the weak enforcement mechanisms of the international legal system and the limited threat of direct sanctions. This condition is further exacerbated by the consistent political protection provided by its superpower ally, the United States, which frequently shields Israel in the United Nations Security Council through the use of its veto power. Such protection continually incentivizes Israeli aggression. Lastly, the slow investigative and prosecutorial processes by international bodies such as the International Criminal Court (ICC) reduce the immediate legal costs and deterrents for Israel's actions.

From the perspective of Economic Analysis of Law (EAL), Israel's decision to continue its assault on Gaza can be regarded as "economically rational." When the incentive to comply with international law is outweighed by the perceived benefits of

violating it, breaching legal norms becomes a strategically efficient choice grounded in rational state calculus. This argument aligns with rational choice realism as advanced by Karen Mingst, which posits that states, as the primary actors in international relations often act based on national interests derived from calculated cost-benefit analyses, including the use of military force.

In this case, Israel perceives its strategy to maintain military dominance over Gaza and its political leverage in the region as a rational choice. This reflects the actualization of its foreign policy, which emphasizes principles of deterrence and supremacy. Furthermore, Israel demonstrates its willingness to act unilaterally when it perceives a threat, even if such actions contradict established international legal norms. Moreover, within this context, international law fails to function effectively as a deterrent mechanism. When punishment for war crimes is uncertain, delayed, and dependent on political considerations, perpetrators may perceive the law as a negotiable or avoidable constraint, rather than an absolute barrier. This analytical outcome points to the urgent need for reform in the international legal system, particularly to establish stronger incentive structures. These reforms may include strengthening the enforcement capacity of institutions like the International Criminal Court (ICC), developing automated sanction mechanisms in response to serious human rights violations, and creating collective response systems that are not subject to the veto powers of major states.

By viewing Israel's actions through these lenses, can be explained how legal norms can coexist with systematic violence. Law, instead of restraining aggression, can serve as a procedural mask that legitimizes it. This interplay of legality and power illustrates what can be termed the *normative gap*: a disconnect between the ideals of international law and the realities of state behavior driven by rational self-interest. In the context of Gaza, this *normative gap* manifests in three interrelated ways: Weak Enforcement where International institutions lack the coercive authority to impose sanctions or execute court decisions, Political Asymmetry where superpower alliances distort accountability and neutralize collective responses, and the economic incentives when the benefits of aggression, military profit, geopolitical leverage, and technological innovation, far outweigh reputational or legal costs (Kihara-Hunt, 2024)(Weiss, 2024).

In addition, there is a pressing need to evaluate the effectiveness of international law itself. Despite having a comprehensive legal framework, such as the Geneva Conventions, the Rome Statute, the Genocide Convention, and various UN resolutions implementation still heavily depends on political will. The lack of concrete sanctions against Israel for its violations illustrates that international law remains ineffective in preventing or halting war crimes, especially when committed by powerful state actors. By employing the EAL framework and international relations theory, it can be concluded that the inefficiency of the global legal structure, combined with state rationality grounded in national interest, constitutes a major factor in the persistence of crimes against humanity.

## CONCLUSION

The study set out to explore Israel's war crimes in Gaza using the perspective of The Economic Analysis of Law in an attempt to understand why violence has continued to survive as a rational and apparently efficient instrument of state policy. Weaving together insights from EAL, international relations, and critical legal theory, the research

finds that Israel's conduct, while unlawful under international law, appears strategically rational within an unequal global order that often rewards power rather than obedience to legal norms. Taken together, these perspectives show that efficiency in violence arises not despite the international legal system, but because of its structural weaknesses. These findings suggest that the persistence of violence should be understood not merely as a failure of law, but as a symptom of a broader systemic inefficiency that allows rational actors to exploit legal and political gaps for strategic gain. The weak enforcement capacity of global institutions is compounded by the diplomatic shelter provided by powerful allies to turn impunity into a predictable feature of the system.

From an economic and legal point of view, the conflict in Gaza highlights a deep paradox: law is supposed to minimize damage, but its current design permits violence to be optimized beneath the trappings of legitimacy. Without credible enforcement, international law becomes no more than a symbolic order—morally resonant yet practically hollow. The EAL approach captures this irony by revealing that states, much like market actors, respond not to ethical imperatives but to the incentives and disincentives embedded in the system of rules. Ultimately, violence persists not due to moral defect but to institutional inefficiency. So long as the global rule of law maintains political privilege over universal justice, it will remain powerless of preventing a repetition of tragedies like Gaza. The urgent task that lies ahead is redesigning incentive structures under international law so that justice becomes not only morally right but economically rational and impunity politically unbearable. It is only with such transformation that international law will come to reclaim both its moral authority and practical force, securing justice as not a privilege of power but a shield for those who suffer beneath them.

Future research could identify more specific ways through which international legal enforcement is enhanced, such as through reforms to the UN Security Council's veto system, the expansion of ICC jurisdiction, or the establishment of regional accountability mechanisms more resistant to geopolitical interference. Non-state actors—such as coalitions of civil society, human rights organizations, transnational advocacy networks, and digital evidence platforms—are also increasingly shaping how violations are documented and prosecuted. Their growing influence suggests that accountability in international law may no longer depend solely on state institutions, but on a broader constellation of actors capable of applying pressure, exposing abuses, and mobilizing global public opinion.

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