



RESEARCH PAPER

Restoring Norms in Prolonged Conflicts: The Erosion of International Humanitarian Law in Syria

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ABSTRACT

This paper examines the issues of International Humanitarian Law (IHL) presented by the Syrian Civil War particularly its inability to safeguard civilians and maintain order in a protracted and complex war. Syrian war has been associated with numerous IHL breaches, including civilian building attacks, chemical weaponry, and aid blocking. These crimes have remained unpunished by political deadlocks particularly in the UN Security Council. This qualitative study is based on the use of a case study. The findings reveal that IHL becomes powerless when humanitarian regulations are given way to the politics of interests. A gradual response by the government, to normalize the violations and lessen the responsibility of the IHL, making it less efficient in deterring. Reforms are needed to restore IHL to its effectiveness, which should include depoliticized enforcement, greater responsibility on all parties, and improved legal provisions of involvement of non-state actors in protracted and asymmetric wars.

KEYWORDS International Humanitarian Law (IHL), Syrian Civil War, Armed Conflict, Geneva Conventions, Humanitarian Intervention, Prolonged Conflicts

Introduction

The Syrian Civil war has seen humanitarian aid and military attacks taking place across the country, which has brought doubt of whether foreign assistance is permitted or not illegal. The war has demonstrated large loopholes in the functioning of the International Humanitarian Law (IHL) particularly when the acts are done without any explicit mandate of the UN Security Council (UNSC) (Altaany, 2024; Yaseen, et. al., 2018). These loopholes reveal that the fundamentals of state sovereignty, safeguarding of the civilians, and international regulations of long and complex wars are being questioned. Syrian war demonstrates that politics usually precede legal regulations compelling a reassessment of how IHL is maintained alive when a war protracts. The most important IHL principles, such as the differentiation between civilians and combatants, maintaining proportional attacks, and employing no more than is necessary are frequently violated in an extremely disorganized affair of politics and humanitarian demands. The non-state groups and the powerful countries have been able to do this with little or no fear of being punished thus undermining the trust and credibility of international bodies of law. A good illustration of numerous IHL violations is the Battle of Aleppo between July and December 2016 (Grant, & Kaussler, 2020). Food, medicine, and other supplies were depleted when the people in Eastern Aleppo were boxed in by forces of the government. The government troops, opposition units, and external actors did numerous IHL violations according to the Independent International Commission of Inquiry on the Syrian Arab Republic. They indiscriminately dropped bombs on places where people lived, on purpose attacked hospitals, schools and aid convoys and employed siege tactics as a way to torment civilians. Aleppo turned out to be one of the most ruined cities over the past two decades. It is a destruction of the city that had been the center of the Syrian economy and a UNESCO world heritage site in 2012-2016 due to shelling and combat. Massive destructions took place in

large sections of the city, people were displaced, buildings collapsed and several people lost their lives. Urban wars result in severe humanitarian and cultural losses, which include destroyed houses, market places, and historical places. These incidents reveal long-term deficits of IHL to entertain individuals and cultural possessions in protracted and unbalanced conflicts. The exercise of sovereignty by the Syrian government made it even more difficult to do the aid work. The government played its political hand in blocking the access to besieged regions and restrict international aid in the name of it being a sovereign right. This undermined the equitability of the distribution of aid and made humanitarian action difficult. Aid agencies were forced to change their ways by remaining in the low profile, providing assistance via commercial avenues, and, in certain circumstances, negotiating safe passages with armed groups directly. These tactics presented severe threats, such as the loss of a neutral position, the creation of unstable business, and the ruin of the image of the organization. In 2016, over 70 aid organizations ceased to cooperate with UN relief efforts in Syria as they were concerned that the government was using the aid as a political instrument (Baroud, 2024). The case with Syria demonstrates precisely how IHL is getting undermined nowadays by politics, allegations of right over the state, and lack of actual accountability. It yields an urgent necessity to re-engineer the global humanitarian regulations in the case of longer and urban-based wars. These are aimed at ensuring that the standards of humanity, impartiality, and accountability remain alive even in the war of the day which is complicated.

Literature Review

As there as many researches done on Humanitarian Law and prolonged conflicts as like in order to protect civilians and reduce the impact of armed conflicts the ICRC article highlights that International Humanitarian Law (IHL) is founded on fundamental concepts including distinction, proportionality and prudence. Both state and non-state actors are subjected to IHL in Syria which mandates the preservation of civilian infrastructure and fair treatment of prisoners. However, there have been other abusing through the battle including as assaults on medical personnel and other civilian. The paper emphasizes how geopolitical tensions lack of accountability and complexity of war make implementations of IHL strong legal framework insufficient. Another author Ghaddar et al draws attention to several violations of IHL that occurred throughout Syrian civil war such as international assaults on civilians and medical institutions and use of illegal weapons such as chemical agents (Yaseen, et. al., 2019; Ghaddar, 2018). According to the report medical infrastructure in constantly targeted suggesting a deliberate plan to undermine health care services. As defensive tactics changed to “surrender or die” situations, relief and evacuation efforts were impeded. The necessity for stronger safeguards for both civilians and medical staff is highlighted by the fact that enforcement and accountability are still lacking despite worldwide documented efforts. According to Amnesty international 2024 repot on Syria several actors continue to violate human rights (Herremans, 2025). Even after president Assad was overthrown tens of thousands of people are still in detention. Many of them are being tortured and mistreated. Millions of people are still dependent on aid and living in poverty making the humanitarian situation much worse. The Syrian war highlights serious flaws in international law especially the responsibility to protect (R2P) theory, according to Jermy Sarkin’s research of how geopolitical deadlock particularly in UN Security Council has left international process mainly ineffective in the case of widespread crimes like enforced disappearances and arbitrary detention (Sarkin, 2022). In order to avoid such failures in the future disputes Sarkin highlights the victim-centered legal framework and more powerful enforcement measures. Alex J. Bellamy another philosopher highlights how international powers put international objectives before of humanitarian needs and failed to protect Syrian citizens (Bellamy, 2022). He highlights protracted atrocities and the deterioration of humanitarian standards were caused in part by inadequate international reactions. There is glaring lack of analysis about how prolonged politically complicated wars structurally undermine IHL itself, despite the fact the current literature records IHL violations and enforcement failures in Syria. The majority study focuses on particular violations or legal

criticism but they rarely ever analyze how IHL's authority is being destroyed over time by single lengthy battle. This study fills the gap by deeper structural weakness in the context of contemporary prolonged conflicts via the lens of Syrian civil war.

Material and Methods

This study has investigated the impact of the prolonged Syrian Civil War on the effectiveness of International Humanitarian Law (IHL) using a qualitative case study. This research utilized secondary information in the form of academic articles and journal articles, as well as legal documents including the Geneva Conventions, and also reports prepared by the UN. The approach assists us in knowing how lengthy, and complicated conflicts can undermine the authority of global law.

Theoretical Framework

International Legal Realism and the Erosion of IHL in the Syrian Civil War

International Legal Realism is a theory that poses the question of how effective international law is in cases where states pursuing their own interests and power politics and being constrained by what a sovereign state is capable of doing. Legal realists indicate that international law is frequently political and strategic and not necessarily based on abstract law. This theory can be applied in the case of the Syrian Civil War to understand why International Humanitarian Law (IHL) is undermined and not used in cases where states are interested in themselves, politics, and the forces of big countries. Through the use of International Legal Realism to the Syrian Civil war, we understand why IHL cannot save the lives of civilians, reduce combat, and punish perpetrators despite its premises being anchored on humanitarian principles.

Key Concepts of International Legal Realism

International Legal Realism is based on a larger concept of Realism in International Relations (IR). It is founded on the uncertainty of whether the international law can operate independently or serve as a neutral force. Rather, the theory opines that international law normally encapsulates the power dynamics and political interests that inform it (Koh, 2004). It asserts that the law is not applied equally to all states and actors and that it is influenced by power relations, geographical interests, and the agenda of powerful states. Legal realists believe that the international law is not an impartial arbiter but highly affected by politics and strategic interests of the great states that dominate international system (Goldsmith and Posner, 2005).

Specifically, International Legal Realism disputes the idea that international law can restrain the activities of the states on its own. In its place, realists emphasize that law merely functions as far as the political will of the states to adhere to it. In most cases, international legal norms are the ones that are disregarded when the national interests or power politics clash with the norms. This is evident when human rights are violated or the international humanitarian law (IHL) is violated because states tend to get away with it and the international institutions are not able to meet the expectations because the powerful states fail to enforce the law (Henkin, 2004).

The Role of Power in International Legal Realism

The weakening of IHL has been central to the Syrian Civil War in the context of the power relations that exist in the international system. The war has witnessed conflicting international interests and notably those of the big powers such as Russia, United States and regional powers such as Iran and Turkey. International Legal Realism claims that these powers intervene in Syria in their own strategic interest and are not interested in enforcing

international law (Bellamy, 2022). According to the realists, Syria demonstrates that the international law turns out to be subject to statecraft, and the strongest states resort to it when it is instrumental to their interests and not the universal principles.

The response to the Syrian Civil War by the international law has been influenced by the United Nations Security Council (UNSC). It has, however, been blocked by two of five permanent members who have veto authority, Russia and China, in order to take any actual action to punish those who violate IHL. Those vetoes allowed the Syrian government, which is allied to Russia, to operate without terror, kill civilians, and assault humanitarian assistance convoys (Sarkin, 2023). Legal Realism asserts that such activities indicate that the application of IHL is in the political goodwill of the states with veto power in the institutions such as the UNSC.

This UNSC stalemate sheds light on the primary premise of the International Legal Realism that law is politicized and tends to be marginalized by the interest of the great nations (Mearsheimer, 2001). The Russian political actions in Syria, as well as the fact that western powers have been unwilling to take decisive action reveal that IHL is in no way as an independent and enforceable law. It is rather a target of the political arithmetic of strong states that will prevent enforcement where it is not in their interest.

The Disjunction Between Legal Norms and State Interests

Legal rules and state interests are the primary conflict of International Legal Realism. According to realists, states make decisions in their best interest and will prioritize national security and political interests over the international legal obligations where they collide (Goldsmith & Posner, 2005). This tension manifests in most IHL violations by the actors of the Syrian Civil War, both state and non-state. Although the violation of IHL is obvious, including assaults on hospitals, the use of chemical weapons, and the prevention of aid, the world has been unable to ensure that individuals are punished as large powers have opposing politics and strategy (Bellamy, 2022).

Russia, a permanent member of the UNSC that vetoes, is a firm supporter of the government of Syria, headed by President Bashar al-Assad. The vetoes of Russia prevent the Security Council to do anything against the infractions of IHL by Syria. In addition, western powers and most notably the United States have at times supported some of the rebel groups within Syria so that IHL can be difficult to maintain. In this divided international situation, IHL ceases to operate since the agenda of politics dominates the humanitarian.

In addition to the approach of the mighty states, there is the issue of the correspondence of IHL with the national interests. Most of the states, particularly the ones engaged in military activity in Syria, adhere to IHL rules only when it assists them get their plans through but violate them when they seem to clash with their plans. As an example, the airstrikes of the U.S.-led coalition and the Russian army tend to violate the principle of not combining military targets and civilians (Bellamy, 2022). The fact that these breaches serve the purpose of the fighting states security-wise is minimized or overlooked, demonstrating the realpolitik attitude towards international law.

International Law and Culture of Impunity

One of the most important concepts of International Legal Realism is the concept of a culture of impunity. This implies that states will be able to violate the law without any or minimal repercussions. The war in Syria has several IHL violations such as chemical weapon-use, attacks on civilians, and aid blockage. Although these violations are documented by international bodies such as the United Nations and the International Committee of the Red Cross (ICRC), minimal offenders go unpunished (Sarkin, 2023). This non-punishment can be viewed in the perspective of International Legal Realism which

indicates that enforcement instruments usually fail to work when strong states are not interested in their implementation.

Syria demonstrates that the international legal authorities are not in a position to bring the violators to book in the event that politics are against them. The Syrian government with the assistance of Russia violates IHL again and again without any severe repercussions. This is true of non-state actors, such as ISIS and opposition forces, who also perpetrate the atrocities but largely get away. This impunity is the essence of Legal Realism: IHL becomes as powerful as the political goodwill of states to implement it and in the case when such will is weak or contaminated with state strategy, the legal system fails (Goldsmith & Posner, 2005).

The ineffectiveness of IHL in the Environment of Non-State Actors

One of the issues that IHL encounters in Syria is the existence of non-state actors, i.e. opposition groups, militias and extremist organizations such as the ISIS. International Legal Realism notes that it is so difficult to apply IHL in situations where such groups lack the organisations and the ability to abide by legal standards (Sarkin, 2023). These groups might also believe that IHL does not consider them and this is particularly in case they perceive the international system as unjust or illegitimate.

Non-state actors are the cause of numerous IHL violations in Syria: indiscriminate bombings, executions, and attacks on civilians. The actors are not governed by the conventional state sovereignty, and, as International Legal Realists put it, they tend to violate international law because they are not pressured by diplomacy or the rules of the law as states are. This undermines IHL, the primary purpose of which is to regulate the state (Bellamy, 2022).

Weakening of the IHL is aggravated by the absence of powerful international institutions that can implement penalties against the non-state actors. Whereas certain groups like Kurdish forces in Syria attempt to adhere to IHL, the ineffective legal framework of addressing them implies that violations go unpunished most of the time.

International Legal realism provides an easy solution to realize why the International Humanitarian Law is fading in the Syrian Civil War. The war demonstrates that the international law is usually determined by the interests of the great powers and that IHL becomes a weapon of politics and not a separate law. The inability of the world to bring the violators to justice, the manipulation of international institutions, and the selective application of IHL reveal the weakness of the international law when power is at the forefront. To be effective in the next combat, IHL has to be restructured to meet the political reality of war in the 21st century, ensuring that its implementation is not linked to global politics and that it can hold anyone, whether a state or non-state, to account.

Results and Discussion

This discussion considers three major reasons that have seen the international humanitarian law (IHL) lose its authority in Syria: (1) law as a tool of geopolitics; (2) institutions that are stagnant and selectively apply rules; and (3) the situation with armed groups that are not states.

Firstly, geopolitics is employed where the strong nations use legal regulations as policy rather than equitable boundaries. As demonstrated in the literature, counterpower and alliances react in different ways to infractions, limiting the possibilities of sanctions or taking cases to accountability institutions (Bellamy, 2022; Mearsheimer, 2001). The United Nations Security Council finds itself paralysed most of the times, particularly where those who are safeguarded by veto turn breaches of law into a political action that is condoned. It

undermines deterrence and increases the possibility of recurrence of criminal activities (Sarkin, 2023).

Second, where institutions are stagnant and only follow the rules in selective applications, there is a culture of impunity. When inquiry and prosecution is interfered or fuelled by politics, the collection of evidence and legal action will not work and the pressure which keeps IHL living will die when the enforcers lose credibility (Goldsmith, Posner, 2005). ICRC reports, as well as Amnesty International, and the others, indicate that attacks on hospitals and aid convoys were not met by much international legal action and such attacks were normalised (Ghaddar et al., 2018; Amnesty International, 2023).

Third, it is more complicated when armed groups are not part of the state since it complicates the work of IHL. The groups do not always have a defined command chain and might not consider the international regulations as binding. The current IHL regulations were developed to take into consideration the states, and provided gaps and uncertainties regarding what the non-state actors should do (Bellamy, 2022). This culminates in certain groups evading it as humanitarian organizations experience severe difficulties as they strive to obtain access and stay impartial.

Combined, all these drivers form cycle geopolitics reinforces violators, enforcement erodes, deterrence declines, additional violations occur, and the attacks become normalized. To reformulate the power of IHL, politics (to render enforcement free of veto politics), institutional (to establish independent avenues of accountability), and practice (to demystify the obligation of non-state actors) have to be improved.

According to the research, the protracted Syrian Civil War has undermined the functioning of the international humanitarian law (IHL). The protracted nature of the war, the slowness of institutions, and political interests have caused the rules of protection of civilians and directing war behavior to fade out. The analysis primarily focused on the IHL provisions particularly those that guard non-combatants, maintain proportionality and attack combatants only. The International Committee of the Red Cross (ICRC) and the United Nations reported the violation of the Geneva Conventions by both governments and rebel groups that attacked civilian areas, hospitals and aid convoys. Even the fundamental guidelines were violated when even medical facilities were destroyed and people were not served in the 2016 siege of Aleppo, with people deliberately targeted by attackers. According to the report, a few states relied on the sovereignty as a cover to avoid international scrutiny and accountability. Since the Syrian government asserted the sovereign authority concerning aid, the international entities were forced to negotiate politically delicate circumstances, which reduced access to aid. The dilemma of giving aid and balancing it with the sovereignty of states through IHL was also revealed by the withholding of aid. The researchers also discovered that enforcement on international level is not efficient. The argument over political issues between the major countries held the UN Security Council in stasis despite the high levels of war crimes and violations. This gave the culture of impunity since no big step, fines or charges were taken. The inability of the world to punish wrongdoers has undermined IHL as a universal legal system. The infractions were normalized by the long war and thus it is difficult to distinguish what is illegal and what is a justified need in the military. The fact that no action was taken against the violations led to the soldiers and fighters ignoring humanitarian law, which sets a dangerous precedent in the future. The example of Syria demonstrates that IHL is primarily based on the collaboration of countries, and cooperation fails during protracted, political wars. The degradation of the IHL in Syria is an indicator of political and ethical issues within the international system rather than a legal one. IHL has lost its authority and moral power due to the selective aid, prioritizing the state interests over human wellbeing, and creating an uncertain impression of who has the right to speak. To put it briefly, the Syrian Civil War demonstrates that IHL becomes useless in the case of long-term and politically complicated wars. The concepts are good in theory but are difficult to apply because of weak institutions,

politics and lack of accountability. The issues observed in Syria are not isolated but they are a reaction to a bigger problem with the international humanitarian system that requires prompt reform and revitalization by all nations.

Conclusion

The Syrian Civil War demonstrates that the long and complex conflicts undermine the principles of International Humanitarian Law (IHL). Mythical as a fighting organization created to defend civilians, fighters, and prisoners of war, the Syrian war demonstrates how such principles become hollow when political and military interests become more significant than humanitarian ones. The war has experienced the civilians being targeted, prohibition of use of the weapons and the blockage of the aid. These activities have become the norm and this indicates that IHL is not able to protect people when the conflict is politically motivated. The case of Syria demonstrates that IHL puts excessive emphasis on the need of countries to agree and collaborate. When nobody can agree in wars and governments are playing their games, IHL collapses. The veto power of the UN Security Council also allows wrong doers to get away with punishment rendering the law weak. Although the violations such as torture, forced disappearances, and many others are well-known, the world tends to only declare that it is a wrong thing and does not enforce the rules. What the Syrian case demonstrates is that we need to reform IHL, establish independent mechanisms, which can bring the actors to account and provide the law with stronger powers to implement itself. The loss of IHL in Syria is not only regarding individual crimes but it is an indicator of a larger issue in the world-legal system. How IHL can be utilized in the contemporary war is something that requires urgent reconsideration.

Recommendations

Establish a neutral, apolitical accountability institution - institute a permanent investigative and referral institution, which cannot be undermined by the Security Council, and whose mandate is to collect, store and provide evidence against international or hybrid tribunals.

Insulate humanitarian pathways -create secure, internationally assured humanitarian corridors and protocols which cannot be refused by combatants; connect assurances with apparent reward and control.

Elucidate legal provisions in non-state actors — develop specifications or a guideline of how IHL can apply to organized armed groups, and establish minimum standards of compliance linked to access and legitimacy.

Secure medical and civilian facilities — need visible signs, independent verification, and timely investigation units of hospital and ambulance attacks.

Depoliticize the evidence collection and finance the documentation - Assist NGOs and local monitors with safe data-storage funds and witness protection in order to keep the prosecution chain functional.

Instill preventive diplomacy - promote early mediation and ceasefire with UN or regional brokers, contingent reconstruction, access and normalization.

Empower civil society and participation of survivors - make it in victim-focused and humanitarian design plans involving local communities in accountability and humanitarian design.

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