

# Islamic International law and its significance in the contemporary global landscape

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## Abstract

Islamic international law, also known as "Fiqh al-Siyar," is a legal framework that governs the conduct of Muslim individuals and states in their interactions with the international community. This research article aims to explore the Islamic international law historical development, principles, application, and contemporary challenges. After analyzing the Islamic sources, including the Quran, Hadith, and scholarly consensus, this study sheds light on the unique features and contributions of Islamic international law to the broader field of international law.

This research article explores the topic of Islamic international law and its significance in the contemporary global landscape. The study provides a comprehensive analysis of Islamic international law, its historical development, principles, sources, and application. A comparative analysis is conducted to highlight the similarities and differences between Islamic international law and other legal systems and international legal frameworks. The research also addresses the contemporary challenges faced by Islamic international law and the debates within the Muslim world regarding its interpretation and application.

The research emphasizes the constructive role that Islamic principles play in addressing contemporary global challenges, such as climate change, poverty alleviation, and sustainable development. A comparative analysis is conducted to compare Islamic international law with other legal systems and international legal frameworks, identifying similarities, differences, and potential areas of convergence. The study highlights the shared principles of justice, respect for sovereignty, and treaty obligations, while also noting differences in sources of law and legal concepts.

**Keywords:** Islamic international law; Fiqh al-Siyar; Muslim states; Quranic principles; Contemporary challenges

## Introduction

Islamic international law, also known as "Fiqh al-Siyar," is a legal framework that governs the conduct of Muslim individuals and states in their interactions with the international community. Rooted in the principles of Islamic jurisprudence, this legal system offers guidance on various aspects of international relations, including diplomacy, trade, warfare, and treaty

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obligations (Munir, 2012)<sup>i</sup>. Islamic international law derives its authority from Islamic sources, such as the Quran, Hadith (Prophetic traditions), and the consensus of Islamic scholars.

The foundation of Islamic international law can be traced back to the early days of Islam, when the Prophet Muhammad and his companions faced the challenges of establishing relationships with neighboring tribes and states. Over time, Muslim scholars and jurists developed a comprehensive legal framework to address the rights and responsibilities of Muslims in their interactions with both Muslim and non-Muslim entities. Islamic international law encompasses principles, rules, and procedures that guide the behavior of individuals, and states (Bashir, 2018)<sup>ii</sup>.

Islamic international law holds significant significance within the Muslim world and beyond (Ali, *et al.*, 2005)<sup>iii</sup>. The principles and norms embedded in Islamic international law provide a unique perspective on issues of sovereignty, justice, peace, and the rights and responsibilities of states in the global arena. One of the fundamental principles of Islamic international law is the concept of justice (Adl). Islam emphasizes the equitable treatment of all individuals, regardless of their religious, racial, or cultural background. Islamic international law strives to promote justice in both intra-Muslim relations and relations with non-Muslims, thereby fostering a sense of fairness and equality among nations. Another essential principle of Islamic international law is the concept of peace (Salam). Islam places great emphasis on the preservation of peace and the avoidance of conflicts. Furthermore, Islamic international law addresses the concept of sovereignty (Siyadah), emphasizing the independent status and territorial integrity of Muslim states (Samour, 2014)<sup>iv</sup>.

### *Objectives and Scope of the Research*

The primary objective of this research article is to provide a comprehensive exploration of Islamic international law. It aims to examine the historical development, key principles, application, and contemporary challenges faced by this legal framework.

### **Historical development of Islamic international law**

Islamic international law has a rich historical development that spans several centuries. The foundations of this legal framework can be traced back to the early days of Islam, when the Prophet Muhammad and his companions faced the challenges of establishing relationships with

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neighboring tribes and states (Bashir, 2018)<sup>v</sup>. Over time, Muslim scholars and jurists developed a comprehensive legal framework to address the rights and responsibilities of Muslims in their interactions with both Muslim and non-Muslim entities.

### *Early Islamic Scholars and Jurists*

The contributions of early Islamic scholars and jurists were instrumental in shaping the Islamic landscape. One of the notable figures is Abu Yusuf (d. 798 CE), a renowned jurist and the chief judge during the caliphate of Harun al-Rashid. Abu Yusuf played a crucial role in formulating legal opinions related to international relations and interactions with non-Muslim states.

Another prominent jurist, Muhammad al-Shaybani (d. 805 CE), served as the chief disciple of the renowned jurist Abu Hanifa. Al-Shaybani's work, "Kitab al-Siyar," provided a comprehensive framework for Islamic international law. His writings covered various aspects of international relations, including diplomacy, treaties, and the conduct of war. Al-Mawardi (d. 1058 CE), a jurist and political philosopher, contributed significantly to the field of Islamic international law through his influential work, "Kitab al-Ahkam al-Sultaniyyah." This book outlined the principles of governance and addressed issues such as sovereignty, international treaties, and the conduct of Muslim rulers in their interactions with non-Muslims.

Ibn Taymiyyah (d. 1328 CE), a prominent Islamic scholar, further advanced the understanding of Islamic international law. His writings emphasized the importance of upholding justice, maintaining peace, and protecting the rights of Muslims and non-Muslims alike. Ibn Taymiyyah's legal opinions provided guidance on issues related to warfare, diplomacy, and the treatment of non-Muslims living under Muslim rule.

### **Key Principles and Sources of Islamic International Law**

Islamic international law derives its principles and norms from several sources, including the Quran, Hadith (Prophetic traditions), and the consensus of Islamic scholars. These sources provide a moral and ethical framework that guides the behavior of Muslim individuals and states in their interactions with the international community (Badr, 2004)<sup>vi</sup>.

The Quran, as the primary source of Islamic teachings, contains principles that form the basis of Islamic international law. The concept of justice (Adl) is central to Islamic international law, emphasizing the equitable treatment of all individuals and nations, regardless of their religious

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or cultural background. Quranic verses such as "O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives" (Quran 4:135)<sup>vii</sup> highlight the importance of justice in all dealings.

Hadith, the recorded sayings and actions of Prophet Muhammad, provides further guidance. Prophetic traditions emphasize principles such as diplomacy, peaceful resolution of conflicts, and the sanctity of treaties. The Hadith narrations regarding the treaties concluded by the Prophet Muhammad with various tribes and communities serve as precedents for Muslim states in their treaty-making endeavors (Ali, 2010)<sup>viii</sup>.

### Principles of Islamic International law

Key principles include justice (Adl), sovereignty (Siyadah), non-aggression (Sulh), and equality (Musawah). These principles, rooted in Islamic teachings, guide the behavior and decision-making processes of Muslim nations in the global arena (Al-Zuhili, 2005)<sup>ix</sup>.

Key principles of Islamic international law include sovereignty (Siyadah), non-aggression (Sulh), equality (Musawah), and reciprocity (Mudawamah). Sovereignty refers to the independent status and territorial integrity of Muslim states, emphasizing their right to govern their internal affairs without external interference. Non-aggression entails the prohibition of initiating hostilities and emphasizes the preservation of peace and the avoidance of conflicts. Equality promotes the fair treatment of individuals and nations, regardless of their religious or cultural background (Westbrook, 1992)<sup>x</sup>. Reciprocity underscores the principle of mutual respect and cooperation in international relations, with the expectation that nations should treat each other with fairness and equity.

In addition to these key principles, Islamic international law also incorporates various legal doctrines and concepts. One such concept is that of "Dar al-Islam" (House of Islam) and "Dar al-Harb" (House of War), which categorize the world into territories where Islam is dominant and territories where non-Muslims reside. This classification influences the legal rights and obligations of Muslim states in their interactions with non-Muslim states. Moreover, Islamic international law draws upon the concept of "Jihad," often misconstrued as a holy war. Jihad, in its broader sense, encompasses the striving and struggle to uphold justice and defend

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the rights of Muslims and non-Muslims. It includes peaceful efforts to promote justice, as well as defensive measures taken to protect Muslim lands and communities from aggression.

Muslim rulers and states throughout history actively implemented and applied these principles in their diplomatic engagements and interactions with other nations (Malekian, 2011)<sup>xi</sup>. Treaties and agreements between Muslim states and non-Muslim powers were negotiated and enforced, serving as a means of establishing diplomatic relations, regulating trade, and ensuring mutual rights and obligations.

### *Justice (Adl)*

The principle of justice is a central tenet of Islamic international law. Islam emphasizes the equitable treatment of all individuals, regardless of their religious, racial, or cultural background. Islamic international law places great emphasis on the promotion of justice in both intra-Muslim relations and relations with non-Muslims (Focarelli, 2012)<sup>xii</sup>.

Derived from Islamic sources, the concept of justice calls for fairness, impartiality, and the protection of rights. The Quran states, "O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives" (Quran 4:135)<sup>xiii</sup>. This verse underscores the importance of upholding justice, even when it may go against one's personal interests or affiliations. Justice in Islamic international law extends to various aspects of international relations, including diplomatic interactions, trade agreements, and conflict resolution. It requires nations to treat each other fairly, respect their obligations, and resolve disputes in a just manner.

### *Sovereignty (Siyadah)*

The concept of sovereignty in Islamic international law is derived from the Quranic principle of self-governance. The Quran states, "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice" (Quran 4:58)<sup>xiv</sup>. This verse underscores the principle of sovereignty, emphasizing the responsibility of Muslim nations to govern their internal affairs and respect the sovereignty of other nations. Islamic law prohibits external interference in the internal affairs of sovereign states, calling for mutual respect and non-interference in the affairs of other nations (Nagan, *et al.*, 2004)<sup>xv</sup>.

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### *Non-Aggression (Sulh)*

The principle of non-aggression is a vital component of Islamic international law, emphasizing the preservation of peace and the avoidance of conflicts. Islam places great emphasis on the resolution of disputes through peaceful means, such as negotiation, mediation, and arbitration. Derived from Islamic teachings, the principle of non-aggression prohibits the initiation of hostilities and calls for the preservation of peaceful relations. The Quran states, "And if they incline to peace, then incline to it" (Quran 8:61)<sup>xvi</sup>. This verse highlights the importance of seeking peace and pursuing peaceful resolutions to conflicts.

Islamic international law encourages nations to prioritize peaceful dialogue and negotiation in resolving disputes. It discourages the use of force and encourages the establishment of diplomatic channels to address conflicts and disagreements. The principle of non-aggression aims to promote stability, harmony, and peaceful coexistence among nations, fostering an environment conducive to mutual cooperation and development.

### *Equality (Musawah)*

Equality is a fundamental principle of Islamic international law, emphasizing the fair and equal treatment of individuals and nations. Islam rejects discrimination based on religion, race, or any other form of prejudice, promoting the equal rights and dignity of all human beings. Derived from Islamic teachings, the principle of equality calls for the fair treatment of individuals and nations, regardless of their religious or cultural background (Malekian, 2022)<sup>xvii</sup>. The Quran states, "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you" (Quran 49:13)<sup>xviii</sup>. This verse highlights the equality of all human beings and emphasizes the importance of character and righteousness as the basis for distinction.

In the context of Islamic international law, the principle of equality promotes fair treatment in diplomatic relations, trade agreements, and the treatment of individuals residing in different countries. It rejects discrimination and advocates for the protection of the rights and dignity of all individuals, regardless of their nationalities or affiliations. The principle of equality aims to establish a framework of justice and fairness in the interactions between nations, fostering a sense of mutual respect and cooperation.

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## Sources of Islamic International Law

Quran is the primary source of Islamic teachings and forms the foundation of Islamic international law. It contains verses that provide guidance on various aspects of international relations and the conduct of Muslims in their interactions with others. While the Quran does not provide an explicit legal framework for international law, it offers broad principles that serve as a basis for formulating legal opinions.

Verses in the Quran emphasize justice, peace, and the importance of upholding treaties and agreements. For example, the Quran states, "And fulfill [every] commitment. Indeed, the commitment is ever [that about which one will be] questioned" (Quran 17:34)<sup>xix</sup>. This verse underscores the obligation to honor commitments and fulfill obligations, highlighting the significance of treaty obligations in Islamic international law. Islamic scholars and jurists analyze Quranic verses within their historical context and interpret them to derive principles and guidelines for international law. The Quran serves as a moral compass, providing overarching values that guide Muslim individuals and states in their interactions with the international community.

### *Hadith (Prophetic Traditions)*

Hadith refers to the recorded sayings, actions, and approvals of the Prophet Muhammad. It is an essential source for understanding the practical application of Islamic teachings, including those related to international relations and conduct. Prophetic traditions provide insights into the Prophet Muhammad's diplomatic engagements, treaty-making, and interactions with other nations. Hadith narrations highlight the importance of justice, diplomacy, peaceful resolutions, and the sanctity of agreements (Bakicioglu, 2014)<sup>xx</sup>. These traditions serve as precedents and provide practical examples for Muslim individuals and states to follow in their international interactions.

Islamic scholars scrutinize the authenticity and reliability of Hadith narrations and categorize them based on their level of authenticity. Sahih (authentic) and Hasan (good) Hadiths carry significant weight in legal opinions, while weak or fabricated Hadiths are not considered reliable sources. Scholars analyze these narrations to extract principles and rulings that govern international relations according to Islamic teachings.

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### *Consensus of Scholars (Ijma)*

The consensus of Islamic scholars, known as Ijma, is another important source of Islamic international law. It refers to the collective agreement of scholars from different schools of thought on a particular issue. Ijma provides a level of certainty and authority to the legal opinions and rulings within the Islamic legal framework. Scholars throughout Islamic history have engaged in discussions and debates, contributing their opinions to the formation of legal principles (Farooq, 2007)<sup>xxi</sup>. When a consensus is reached among scholars on a particular issue, it becomes binding and serves as a source of guidance for subsequent generations. Ijma plays a crucial role in shaping the legal framework of Islamic international law. It ensures consistency and provides a unified approach to various aspects of international relations, including diplomacy, treaty-making, and the conduct of war. The consensus of scholars reflects the collective wisdom of the Islamic legal tradition and carries significant weight in legal deliberations.

### **Secondary Sources**

#### *Analogy (Qiyas)*

In addition to the primary sources, secondary sources are employed in interpreting and applying Islamic international law. Analogy, known as Qiyas, is one such secondary source. It involves drawing analogies between existing legal rulings and new situations in order to derive legal judgments. Qiyas allows Islamic jurists to extend legal principles from established cases to new scenarios that share similar underlying reasons and objectives (Bashir, 2018)<sup>xxii</sup>. By identifying the ratio legis (legal reasoning) behind a ruling in an existing case, jurists can apply it to a new case that shares the same underlying reason, even if the circumstances are different. It provides a mechanism for the law to remain relevant and responsive to changing geopolitical realities and challenges in international relations.

#### *Public Interest (Maslaha)*

Public interest, or Maslaha, is another secondary source used in Islamic legal reasoning. It involves considering the broader welfare and well-being of society when formulating legal rulings and judgments. Maslaha enables scholars to consider the public interest and the common good when applying Islamic principles to specific situations.

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In the context of Islamic international law, Maslaha allows for flexibility in interpreting and applying legal principles to promote the welfare and interests of Muslim individuals and societies (Khadoori, 1979)<sup>xxiii</sup>. It enables scholars to address contemporary issues and challenges that may not have been explicitly addressed in the primary sources. Maslaha allows Islamic international law to respond to societal needs, protect human rights, and adapt to changing circumstances while remaining rooted in Islamic principles. It ensures that legal rulings are not rigid or disconnected from the realities of the Muslim world, but rather reflect the goals and objectives of the Islamic legal framework.

These sources provide the moral and ethical foundations for the conduct of Muslims in their interactions with the international community. However, the secondary sources, like, analogy (Qiyas) and public interest (Maslaha), aid in interpreting and applying these principles to address contemporary issues and challenges. The combination of primary and secondary sources ensures the adaptability and relevance of Islamic international law, allowing it to address the complexities of the modern world while remaining rooted in Islamic teachings and values.

### **Application of Islamic International Law**

Islamic international law finds application in both historical and contemporary contexts, shaping various aspects of international relations. It provides a framework for diplomacy, human rights, conflict resolution (Ali, 2021)<sup>xxiv</sup>. The relevance of Islamic international law in these areas highlights its enduring impact and contribution to the field of international law.

#### ***Diplomacy***

The application of Islamic principles in diplomacy helps foster understanding, promote cooperation, and maintain harmony among nations. Muslim states have historically relied on Islamic teachings to guide their diplomatic conduct. Treaties, agreements, and alliances formed between Muslim nations were based on mutual consent, respect for sovereignty, and the pursuit of common interests. Islamic principles such as honesty, trustworthiness, and honoring commitments form the basis of diplomatic interactions, facilitating effective communication and cooperation (Bassiouni, 1980)<sup>xxv</sup>.

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In contemporary times, Islamic international law continues to influence diplomatic practices. Muslim-majority countries often reference Islamic values and principles in their diplomatic engagements, emphasizing justice, equality, and non-aggression. The integration of Islamic principles in diplomacy helps strengthen diplomatic ties and build bridges between Muslim nations.

### *Human Rights*

Muslim nations have a responsibility to uphold human rights in accordance with Islamic teachings. They are encouraged to establish legal frameworks that safeguard human rights, develop institutions to protect and promote these rights, and actively participate in international efforts to advance human rights agendas (Steiner, *et al.*, 2008)<sup>xxvi</sup>.

In contemporary times, the application of Islamic international law in the field of human rights continues to evolve. Muslim-majority countries are engaging in ongoing discussions and reforms to ensure that their legal systems align with international human rights standards while taking into account the specific cultural and religious contexts.

### *Conflict Resolution*

Islamic international law provides principles and mechanisms for peaceful conflict resolution. It emphasizes negotiation, mediation, and arbitration as preferred methods for resolving disputes. The principles of justice, non-aggression, and the preservation of peace are central to Islamic teachings and guide the approach to conflict resolution. Historically, Islamic international law has been applied in conflict resolution among Muslim nations and in the broader international arena. Islamic principles promote dialogue, reconciliation, and finding common ground to resolve conflicts (Mahmoudi, 2022)<sup>xxvii</sup>. The principles of justice and fairness help address grievances, while the emphasis on peaceful means encourages the pursuit of negotiated settlements.

The majority of Muslim countries, regional organizations, and international bodies often reference Islamic principles and utilize Islamic legal frameworks to address conflicts. Islamic international law provides a valuable resource for developing strategies that promote peaceful resolutions, dialogue, and reconciliation.

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### *International Relations*

Muslim nations strive to uphold Islamic principles in their engagement with the international community. They seek to promote peace, contribute to global security, and foster economic cooperation based on principles of fairness and equality (khan, 2003)<sup>xxviii</sup>. Islamic international law encourages Muslim nations to participate actively in international organizations and forums to voice their perspectives and contribute to global decision-making processes.

Islamic principles also guide the conduct of Muslim nations in addressing contemporary global challenges. Issues such as climate change, poverty alleviation, and sustainable development are approached through the lens of Islamic teachings, emphasizing the importance of stewardship, social responsibility, and the well-being of future generations.

### **Comparative Analysis of Islamic International Law & Other Systems**

Islamic international law, as a distinct legal system, shares similarities and differences with other legal systems and international legal frameworks. A comparative analysis helps identify commonalities, differences, and potential areas of convergence, shedding light on the unique features and contributions of Islamic international law.

### *Similarities*

#### *Principles of Justice and Fairness*

One significant similarity between Islamic international law and other legal systems is the emphasis on principles of justice and fairness. Just like Islamic international law, many legal systems prioritize the pursuit of justice, and resolution of disputes in a fair and equitable manner (Fry, 2014)<sup>xxix</sup>. This common focus on justice reflects the universal values and aspirations shared by different legal systems.

#### **RESPECT FOR SOVEREIGNTY**

Another similarity lies in the recognition and respect for sovereignty. Islamic international law, like other legal systems, acknowledges the sovereignty of nations (Benhabib, 2009)<sup>xxx</sup>. It is a fundamental principle in international relations and serves as a basis for peaceful coexistence and cooperation among nations.

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### *Treaty Obligations*

Treaties and agreements play a vital role in governing relations between nations, ensuring compliance with international norms and fostering cooperation (Basic, 2020)<sup>xxxi</sup>. Both Islamic international law and other legal systems recognize the importance of honoring treaty obligations and the consequences of breaching them.

### *Differences*

#### *Sources of Law*

Many different legal systems may draw upon a combination of constitutional law, statutes, judicial precedents, and international treaties as their sources of law.

#### *Legal Concepts and Terminology*

Islamic international law employs unique legal concepts and terminology rooted in Islamic teachings and jurisprudence (Bashir, 2008)<sup>xxxii</sup>. These concepts and terms may differ from those used in other legal systems, reflecting the distinct cultural and religious heritage of Islamic law. The use of specific terminology and concepts in Islamic international law contributes to its distinct identity and character.

#### *Role of Religion*

Religion plays a more prominent role in Islamic international law compared to many other legal systems. Islamic principles and teachings form the foundation of Islamic international law, shaping its legal framework and guiding its application. In contrast, other legal systems may be more secular in nature, with less direct influence from religious doctrines.

#### **Potential Areas of Convergence**

Despite the differences, there are potential areas of convergence between Islamic international law and other legal systems. These areas provide opportunities for dialogue, mutual understanding, and the development of shared principles.

#### *Human Rights*

One area of convergence is the promotion and protection of human rights. Islamic international law shares a common goal with other legal systems in upholding the inherent dignity and rights of individuals. While there may be differences in the interpretation and application of human

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rights, there is potential for dialogue and the identification of shared principles that promote human rights within diverse legal systems.

### *International Humanitarian Law*

Another potential area of convergence is international humanitarian law, which governs the conduct of parties in armed conflict. Islamic international law, like other legal systems, recognizes the importance of limiting the impact of armed conflicts on civilians, protecting vulnerable groups, and upholding humanitarian principles (Arzt, 1990)<sup>xxxiii</sup>. This common ground provides a basis for collaboration and convergence in the development and application of international humanitarian law.

### *Environmental Law*

Environmental protection is a pressing global concern that transcends legal systems. Islamic teachings emphasize the importance of stewardship and the responsible use of natural resources. There is potential for convergence between Islamic environmental principles and international environmental law, contributing to sustainable development and the preservation of the environment.

### **Contemporary Challenges and Debates**

Islamic international law faces various contemporary challenges that arise from the evolving nature of international relations, global dynamics, and interpretations of Islamic teachings. These challenges often lead to debates within the Muslim world regarding the interpretation and application of Islamic international law. Addressing these challenges and engaging in constructive debates is essential for the continued relevance and adaptability of Islamic international law in the modern world.

### *Interpreting and Applying Islamic Teachings*

One significant challenge is the interpretation and application of Islamic teachings in the context of international law. Islamic international law draws its principles from the Quran, Hadith, and consensus of scholars. However, diverse interpretations and understandings of these sources can lead to differences in legal rulings and approaches.

Debates arise regarding the proper interpretation of Islamic teachings and their applicability to contemporary issues. Different scholars and jurists may have varying opinions on specific

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matters, leading to a range of legal opinions and perspectives. These debates reflect the richness and diversity of Islamic legal thought but also present challenges in establishing unified positions and consistent application of Islamic international law.

### *Balancing Tradition and Modernity*

Another challenge is striking a balance between traditional Islamic legal principles and the demands of a rapidly changing world. Islamic international law has a rich historical tradition, but it must also respond to new and complex challenges brought about by globalization, technological advancements, and evolving international norms.

Debates within the Muslim world often revolve around finding a middle ground between adhering to traditional legal principles and adapting to contemporary realities (Afsah, 2008)<sup>xxxiv</sup>. This involves assessing the compatibility of Islamic international law with international legal frameworks and addressing emerging issues such as human rights, environmental protection, and global governance.

### *Contextualizing Islamic International Law*

Contextualization is a critical challenge in the interpretation and application of Islamic international law. The principles and legal rulings derived from Islamic sources were formulated in specific historical contexts. However, applying these principles to contemporary situations requires an understanding of the unique circumstances and challenges of the modern world. Debates arise regarding how Islamic international law should be contextualized to address present-day issues. Some argue for a strict adherence to historical precedent, while others advocate for an adaptive approach that takes into account the realities of the contemporary world. Finding a balance between the timeless principles of Islamic law and the need for context-specific application is a complex task that requires ongoing dialogue and engagement.

### *Political and Geopolitical Considerations*

Political and geopolitical factors also influence the interpretation and application of Islamic international law. Muslim-majority countries often face geopolitical challenges, including conflicts, regional rivalries, and power dynamics (Papadopoulos, 1999)<sup>xxxv</sup>. These factors can shape the approaches taken by Muslim nations in their engagement with international law and

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the interpretation of Islamic principles. Debates within the Muslim world reflect differing political perspectives and interests, which can impact the application of Islamic international law. Some debates center on the role of Islamic principles in addressing political and security challenges, while others focus on the compatibility between Islamic law and contemporary forms of governance.

### *Striving for Consensus and Unity*

One of the ongoing debates within the Muslim world is the quest for consensus and unity regarding the interpretation and application of Islamic international law (Na'im, 1996)<sup>xxxvi</sup>. The diversity of legal opinions and perspectives can lead to fragmentation and disagreements among scholars and Muslim nations. Efforts are underway to foster greater consensus and unity through dialogue, scholarly exchanges, and the establishment of forums for collaboration. These initiatives aim to bridge differences, address challenges collectively, and promote a shared understanding of Islamic international law.

### **Conclusion**

Islamic international law holds significant relevance in the contemporary global landscape. Its principles and teachings, derived from Islamic sources, provide a unique perspective on international relations, justice, and ethical conduct. Throughout history, Islamic international law has guided the behavior of Muslim nations, fostered diplomatic relations, and contributed to the development of a just and harmonious global order.

The enduring relevance of Islamic international law lies in its emphasis on justice, fairness, and the pursuit of peace. These principles resonate with universal values and aspirations shared by different legal systems and societies worldwide. As a comprehensive legal framework, Islamic international law addresses various aspects of international relations, including diplomacy, human rights, conflict resolution, and economic cooperation. Furthermore, Islamic international law is adaptable and capable of responding to contemporary challenges. While rooted in a rich historical tradition, it also allows for interpretation, contextualization, and adaptation to address the evolving needs and complexities of the modern world. This adaptability ensures that Islamic international law remains relevant and applicable in diverse social, cultural, and political contexts.

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The future prospects of Islamic international law are promising. The ongoing debates within the Muslim world reflect a dynamic engagement with the principles and application of Islamic law in the international arena. These debates contribute to a deeper understanding of Islamic teachings, foster intellectual discourse, and promote a more nuanced and informed approach to Islamic international law.

Additionally, efforts are underway to enhance dialogue, collaboration, and scholarly exchanges among Muslim nations and with the international community. These initiatives aim to foster greater consensus, establish common grounds, and facilitate the development of shared principles in Islamic international law.

The relevance and future prospects of Islamic international law also extend beyond the Muslim world. As societies become more interconnected and global challenges require collective responses, the principles and ethical framework of Islamic international law can contribute to the broader discourse on international law and global governance. Islamic international law can serve as a source of inspiration, offering insights and perspectives that enrich the existing international legal order.

#### **Bibliographic History:**

- Afsah, Ebrahim. "Contested Universalities of International Law. Islam's Struggle with Modernity." *Journal of the History of International Law/Revue d'histoire du droit international* 10, no. 2 (2008): 259-307.
- Ali, Abdullah bin Hamid. "Scholarly consensus: Ijma ‘: between use and misuse." *Journal of Islamic Law and Culture* 12, no. 2 (2010): 92-113.
- Ali, Shaheen S. "Gender and human rights in Islam and international law: equal before Allah, unequal before man?." In *Gender and Human Rights in Islam and International Law*. Brill, 2021.
- Ali, Shaheen Sardar, and Javaid Rehman. "The concept of Jihad in Islamic international law." *Journal of Conflict and Security Law* 10, no. 3 (2005): 321-343.
- Al-Zuhili, Sheikh Wahbeh. "Islam and international law." *International Review of the Red Cross* 87, no. 858 (2005): 269-283.

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- Arzt, Donna E. "The application of international human rights law in Islamic states." *Hum. Rts. Q.* 12 (1990): 202.
- Badr, Gamal M. "A survey of Islamic international law." In *Religion and International Law*, pp. 95-101. Brill Nijhoff, 2004.
- Bakircioglu, Onder. *Islam and warfare: context and compatibility with international law*. Routledge, 2014.
- Bashir, Khaled Ramadan. *Islamic International Law: Historical Foundations and Al-Shaybani's Siyar*. Edward Elgar Publishing, 2018.
- Basic, Nedžad. "The Nature of Islamic International Law (Siyar)." *Journal of Religious Studies* 3, no. 2 (2020): 1-16.
- Bassiouni, M. Cherif. "Protection of diplomats under Islamic law." *American Journal of International Law* 74, no. 3 (1980): 609-633.
- Benhabib, Seyla. "Claiming rights across borders: International human rights and democratic sovereignty." *American Political Science Review* 103, no. 4 (2009): 691-704.
- Farooq, Mohammad Omar. "The riba-interest equivalence: is there an ijma (consensus)?." *Transnational Dispute Management* 4, no. 5 (2007).
- Focarelli, Carlo. *International law as social construct: The struggle for global justice*. Oxford University Press, 2012.
- Fry, James D. "Pluralism, religion, and the moral fairness of international law." *Oxford Journal of Law and Religion* 3, no. 3 (2014): 393-418.
- Khadduri, Majid. "The Maslaha (Public Interest) and Illa (Cause) in Islamic Law." *NYUJ Int'l L. & Pol.* 12 (1979): 213.
- Khan, Amjad Mahmood. "Persecution of the Ahmadiyya community in Pakistan: An analysis under international law and international relations." *Harv. Hum. Rts. J.* 16 (2003): 217.
- Mahmoudi, Said. "Said Mahmoudi, Review of Emilia Justyna Powell, *Islamic Law and International Law: Peaceful Resolution of Disputes*." (2022): 1031-1036.
- Malekian, Farhad. *Principles of Islamic international criminal law: A comparative search*. Brill, 2011.

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- Munir, Muhammad. "Islamic International Law (Siyar): An Introduction." *Hamdard Islamicus* 40, no. 4 (2012): 37-60.
- Nagan, Winston P., and Craig Hammer. "The changing character of sovereignty in international law and international relations." *Colum.J. Transnat'l L.* 43 (2004): 141.
- Na'im, Abdullahi Ahmed An. *Toward an Islamic reformation: Civil liberties, human rights, and international law*. Syracuse University Press, 1996.
- Papadopoulos, William Constantinos. "International Law & Pipeline Geopolitics in the Caspian Sea." *Tex.J. Bus. L.* 36 (1999): 1.
- Samour, Nahed. "Is there a role for Islamic international law in the history of international law?." *European journal of international law* 25, no. 1 (2014): 313-319.
- Steiner, Henry J., Philip Alston, and Ryan Goodman. *International human rights in context: law, politics, morals: text and materials*. Oxford University Press, USA, 2008.
- Westbrook, David A. "Islamic international law and public international law: Separate expressions of world order." *Va.J. Int'l L.* 33 (1992): 819.

#### Detailed References:

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- <sup>i</sup> Munir, "Islamic International Law (Siyar): An Introduction." 37-60.
- <sup>ii</sup> Bashir, *Islamic International Law: Historical Foundations and Al-Shaybani's Siyar*.
- <sup>iii</sup> Ali, "Scholarly consensus: Ijma'," 92-113.
- <sup>iv</sup> Samour, Nahed. "Is there a role for Islamic international law in the history of international law?" 313-319.
- <sup>v</sup> Bashir, *Islamic International Law: Historical Foundations and Al-Shaybani's Siyar*.
- <sup>vi</sup> Badr, "A survey of Islamic international law." 95-101.
- <sup>vii</sup> Al-Quran, 4:135.
- <sup>viii</sup> Ali, "Scholarly consensus: Ijma'," 92-113.
- <sup>ix</sup> Al-Zuhili, "Islam and international law." 269-283.
- <sup>x</sup> Westbrook, "Islamic international law and public international law" 819.
- <sup>xi</sup> Malekian, "Principles of Islamic international criminal law: A comparative search".
- <sup>xii</sup> Focarelli, "International law as social construct: The struggle for global justice."

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- xiii Al-Quran, 4:135.
- xiv Al-Quran, 4:58.
- xv Nagan, "The changing character of sovereignty in international law and international relations." 141.
- xvi Al-Quran, 8:61.
- xvii Malekian, "Principles of Islamic international criminal law: A comparative search".
- xviii Al-Quran, 49:13.
- xix Al-Quran, 17:34.
- xx Bakircioglu, "Islam and warfare: context and compatibility with international law."
- xxi Farooq, Mohammad Omar. "The riba-interest equivalence is there an ijma (consensus)".
- xxii Bashir, Islamic International Law: Historical Foundations and Al-Shaybani's Siyar.
- xxiii Khadduri, "The Maslaha (Public Interest) and Illa (Cause) in Islamic Law." 213.
- xxiv Ali, "Gender and human rights in Islam and international law".
- xxv Bassiouni, "Protection of diplomats under Islamic law." 609-633.
- xxvi Steiner, "International human rights in context: law, politics, morals: text and materials."
- xxvii Mahmoudi, "Review of Emilia Justyna Powell, Islamic Law and International Law" 1031-1036.
- xxviii Khan, "Persecution of the Ahmadiyya community in Pakistan" 217.
- xxix Fry, "Pluralism, religion, and the moral fairness of international law." 393-418.
- xxx Benhabib, "Claiming rights across borders" 691-704.
- xxxi Basic, "The Nature of Islamic International Law (Siyar)." 16.
- xxxii Bashir, Islamic International Law: Historical Foundations and Al-Shaybani's Siyar.
- xxxiii Arzt, "The application of international human rights law in Islamic states." 202.
- xxxiv Afsah, "Contested Universalities of International Law" 259-307.
- xxxv Papadopoulos, "International Law & Pipeline Geopolitics in the Caspian Sea." 1.
- xxxvi Na'im, Abdullahi Ahmed An. Toward an Islamic reformation"