ASSIGNMENT PAPER

ISLAMIC INTERNATIONAL LAW

TOPIC:

THE ROLE OF ISLAMIC LAW IN PROMOTING WORLD PEACE.

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Introduction to the essence of Peace.

The term "peace" comes from the Latin word "pax," which means "control," "agreement to end a struggle," or "contract to defeat conflict.". Around 1300 years ago, the word "peace " was first used. The Concept of Peace itself has connections to many different facets of life. For instance, according to military history, “Peace is described as the absence of war and conflict ." Due to the prevalence of wars and conflicts throughout human history, this definition has been overused.[1] Peace is the only dimension of existence that allows a society of varied people to make moral decisions. Because of this, several social and human rights movements have emerged. To support Peace and peace-making efforts.[2]

R. Julie (2017). asserts that "global peace" describes a situation in which everyone works together to prevent war and death/bloodshed. The scenario described above assumes that all of humanity will make every effort to bring Peace to the area of the world where a war has broken.[3]

According to Albert Einstein, Peace is more than just the absence of violence; it also refers to or includes the presence of justice, the rule of Law, and obedience to state orders.[4]. Dalai Lama once observed that Peace is the only place where all people are fed, live in freedom and stability, and where human rights are protected. In his viewpoint, we can extrapolate and realize that Peace entails safeguarding human rights, safety, and freedom of individuals and nations.[5]

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[1] Ezdani, M. H. (2020). The Role of Islamic Law in Promoting Peaceful Coexistence. *IOSR Journal of Humanities And Social Science*, *25*(7), 34–45. https://doi.org/10.9790/0837-2507123445

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[3] Julie, R. (2017). *The World Peace and The Islamic Prospective Ekp*, *13*(3), 1576–1580.

[4] P. Aarne Vesilind, Peace engineering: when personal values and engineering careers converge, (*U.S.A.: Lakeshore Press*, 2005), p. 43.

[5] *The Words of Peace: Selections from the speeches of the winners of the Noble Peace Prize, ed. Irwin Abrams,* (New *York: Newmarket Press*, 1995), p. 16

Peace is the absence of the threat or the use of force, including military conflict, as well as the presence of or compliance with fundamental rights, such as the value and dignity of the human person, the equality of men and women, and the rights of all nations, large and small, as well as justice and respect for the obligations derived from treaties and other sources of international Law.[6]

Nevertheless, the Concept of Peace realizes that human life, dignity, the environment, and all living things must be protected and not cause civil wars and human destruction. Similarly, maintaining Peace and order and protecting it precisely led to economic growth, human capital development, the rule of Law, and a sound educational system.

Nothing could exist without Peace and prosperity; Peace is the only factor and backbone of critical thinking, entrepreneurship, and all other forms of human progress.

Types of Peace.

There are two different types of Peace: internal Peace and external Peace.

- **Internal Peace**

It is also referred to as "interior peace" and is the mind's and soul's calmness. No pains or mental disorders like fear, worry, greed, want, hatred, delusion, and other abominations. The Dalai Lama has observed, "We can never achieve world peace unless we first achieve peace within ourselves."[7]. This kind of Peace relates to getting Peace without fearing anything, anyone, or another country; however, this is a fundamental human right and must well maintain.

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[6] Sims, R. (2018). *ScholarWorks @ Georgia State University How Do We Understand International Law and Peace ?*

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- **External Peace.**

"External peace" refers to the peacefulness generally present in society, a nation, and the rest of the world. When a community or nation is at Peace, it indicates that its members are safe, at ease, and not worried about the environment or other people in the country or society. Examples of external Peace include avoidance of war, hostility, unrest, social chaos, social injustice, inequity, violence, violations of human rights, and terrorism.[8]. States and international organizations are legally required to defend their population against serious threats such as civil wars and unrest conditions; it's their responsibility to carry out and come strategies to avoid these illustrations mentioned above.

Islamic Values of Peace

Islam is derived from the Arabic word "Salaama," which means Peace. Islam means obtaining salvation and safety from danger and staying far from wrong. It also means greetings and living in an environment of mutual harmony, safety, and security.[9] Humankind's priority is Peace. But it's essential to continue understanding and maintaining it.[10]. The idea of Peace is the central tenet of Islam, and religion has played a vital role in eradicating bloodshed and fostering Peace.[11]

Islam the only religion in the universe free from coercion. As Allah said in Quran, "*There is no compulsion in religion*."[12]. These Quranic verses make it obvious that Islam is not a forceful religion. Additionally, Allah emphasizes that Islam is a religion of Salameh or Peace.

[8] Ibid p-35.

[9] Bashir, I., & Raveendran, K. (n.d.). *Peace and conflict in Islam: An Analysis*. *18*(8).

[10] Bashir, I., & Raveendran, K. (n.d.). *Peace and conflict in Islam: An Analysis*. *18*(8).

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Islam's view of Peace could help present a positive representation of the state. Several verses of the Qur'an and hadiths have mentioned the advantage of promoting Peace, or al-ishlah.[13] The Concept of Peace demonstrates three (3) understandings equal to Peace, namely are: *Al-Sulhu, AlAmanah, and Asylum.*

Quran Verses Regarding Peace Promoting.

"And whoever does that seeking means to the approval of Allah - then We are going to give him a great reward." (an-Nisa 4:114).

Allah Said in the Quran "*and Allah invites 'all' to the Home of Peace and guides whoever He wills to the Straight Path".* (Surah Yunus 10:25)

By indicating this verse, Allah (S.A.W.) calls on people to follow the path of salaam and the religion of Peace.

*"Do no mischief on the earth, after it hath been set in order, but call on Him with fear and longing (in your hearts): for the Mercy of Allah is (always) near to those who do good." (*Surah Al-a'Araf 56).

*"That is why We ordained for the Children of Israel that whoever takes a life—unless as a punishment for murder or mischief in the land—it will be as if they killed all of humanity; and whoever saves a life, it will be as if they saved all of humanity". (*Surah Al-Ma'idah - 32-42).

These verses declared that killing an individual is like killing all human beings. The verses prohibited the killing of humans, which led to mischief.

Sunnah Perspective and Prophet Practice.

If one comes across Islam, one will find it to be the religion with the most qualities, values, ethics, and morals. The Tawd monotheism and the teachings of Peace are the two fundamental principles

[13] Nursita, R. D., & Sahide, A. (2019). The Concept of Peace in Islam and Its Relevance to International Relations. *Al-Albab*, *8*(2), 211–224. https://doi.org/10.24260/alalbab.v8i2.1218

taught by Islam. The entire life of the Prophet (PBUH) serves as a role model for Peace since he consistently chose this course of action throughout his life.[14]

Islam prioritizes demonstrating that it is a religion of goodwill to all and is committed to building perfect human relations among all peoples, organizations, and individuals.[15]

Our Prophet Mohamed (PBUH) has emphasized through several Hadiths the value of fostering Peace and sustaining a peaceful environment. The Prophet also demonstrated how important it is for Muslim nations to collaborate in promoting Peace.

Abdullah ibn ‘Amr and Jabir ibn ‘Abdullah (may Allah be pleased with both of them) reported that the Prophet (PBUH) said: *"The true Muslim is the one from whose tongue and hand the Muslims are safe."* (Imam Bukhari, 3,64,65).

Abu Huraira reported: The Messenger of Allah (PBUH) said**, "***You will not enter Paradise until you have faith, and you will not have faith until you love each other. Shall I show you something that, if you did, you would love each other? Spread Peace between yourselves.***"** (Sahiḥ Muslim 54).

Cooperating Peace together is a sign and practice of our role model Prophet Mohammed (PBUH). He'd point out that people can only stay together by promoting peaceful coexistence.

Let's provide one example of how our Prophet was a role model in promoting Peace.

The Prophet Muhammad promoted peaceful coexistence with other states at Hudaybiyyah in 629 CE. The Prophet and many of the Muslims there were Makkans by birth, but the governmental rulers of Makkah prohibited Muslims from entering the city to undertake the pilgrimage. On this

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[15] Ibid P-380-390.

specific occasion, Muslims' tolerance was undoubtedly put to the test. Although they had a propensity toward violence, the Prophet prioritized and preferred Peace.[16]

When the Prophet moved to Medina, that city was on the verge of going to war with itself. The Prophet negotiated a famous agreement known as Meesaq-e-Medina to resolve all current disputes. This agreement contributed significantly to the promotion of civil society's Peace and brotherhood. It was particularly indicated in Meesaq-e-Medina that the Jews who resided in Medina would have religious freedom.[17].

Therefore, when a Christian delegation visited Medina, The Holy Prophet welcomed them and provided lodging in Masjid-e-Nabawe. He also let them preach, following their practices. The Prophet barred Muslims from doing so when ordinary Muslims attempted to stop them from worshipping in that manner. The Christians continued to pray in their style. This shows that the Islamic religion is not compulsory religion since the Prophet allowed non-believers to practice their own cultures and traditions.

The Role of International Law in Maintaining Peace

One of the primary objectives of International Law was promoting peace and world order after World War II, which resulted in the death of an estimated 56.4 million people (military and civilian); international Law emerged, mandating peaceful exchanges on favorable terms following the UN Charter and a multitude of other international agreements. All applicable treaties and agreements of international Law reduce conflict and disputes, which impacts Peace.[18]

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[16] Baderin, M. A. (2000). The Evolution of Islamic Law of Nations and the Modern International Order. *American Journal of Islam and Society*, *17*(2), 57–80. https://doi.org/10.35632/ajis.v17i2.2062

[17] Baloch, A. G., Saifee, A. ur R., Khalid, I., & Gull, I. (2012). The teaching of the holy Prophet to promote Peace and tolerance in Islamic social culture. *European Journal of Social Sciences*, *31*(1), 36–41.

[18] Sims, R. (2018). *ScholarWorks @ Georgia State University How Do We Understand International Law and Peace ?*

International Law plays a crucial role in establishing Peace and order among nations and individuals. These treaties, which include the IHRL, I.H.L., International Environmental Law, and UNCLOS, stand for protecting human life and avoiding conflict and wars.

Role of UN Charter promoting Peace.

The UN Charter is a multilateral treaty requiring all states to refrain from going to war (unless in self-defense) and to preserve a state of perpetual Peace among themselves[19]. The Preamble of the Charter states the purpose of the United Nations, which is reflected throughout the body of the Charter Article 1 of the United Nations Charter states: "To safeguard international peace and security, and to that end: to take necessary collective action to prevent and eliminate threats to the peace.".[20] Furthermore, states are required under UN Charter article 2(3) to resolve their international disputes via peaceful means that do not compromise global Peace, justice, or security.

Chapter VI, article 33 of the UN Charter states to conclude their international disputes and conflict in negotiation, mediation, arbitration, and judicial settlements. In general, the UN Charter promotes world peace, security, and international order. States must play a significant part in determining how the UN Charter can be upheld to achieve these principles.

Prohibition Use of Force

Under international Law, the use of force is generally prohibited. The use of force is only permissible under specific circumstances, according to Article 2(4) of the U.N. charter. Self-defense under Article 51 of the Charter and enforcement measures under Chapter VII with a Security Council resolution are two exceptions, though. The other use of force is unlawful or controversial. [21].

This article clarifies that employing force is always prohibited, excluding the exceptions it provides. Additionally, to restore and preserve international Peace, security, and order, it is

[19] Baderin, M. A. (2000). The Evolution of Islamic Law of Nations and the Modern International Order. *American Journal of Islam and Society*, *17*(2), 57–80. https://doi.org/10.35632/ajis.v17i2.2062

[20] United Nations Charter (1945) Art.1.

[21] Ghafur Hamid (2019*) Public International Law A Practical Approach* (4th edition) p-432.

necessary to ensure that all states refrain from using force that could endanger such conditions and leads to transnational threats of Peace and aggressions.

U.N. Security Council Promotes Peace

The U.N. Security Council has the power to determine whether a state's actions violate the UN Charter and endanger Peace and security, as well as to decide what should be done about the breach of global Peace and safety.[22]

The Security Council is required to take action after determining whether there is aggression or a threat to the Peace. S.C. recommends strategies to offer concessions or set settlement limitations to encourage opposing parties to settle their differences amicably.[23]. Chapter VII of the UN Charter allows the Security Council the authority to impose sanctions to preserve or restore world peace and security. These may take the shape of international military action or financial sanctions. Additionally, the Council establishes U.N. Peacekeeping Operations and Special Political Missions.[24].

The obligation of States Regarding peace-promoting.

Following International Law, states are obligated to act peacefully in all of their interactions with other states. They are also obligated to engage peacefully in their exchanges with their citizens, i.e., to respect a person's right to Peace. Before the United Nations (U.N.) Charter, customary Law

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[22] Sims, R. (2018). *ScholarWorks @ Georgia State University How Do We Understand International Law and Peace ?*

[23] U.N., *Maintain International Peace and Security* retrieved from: https://www.un.org/en/our-work/maintain-international-peace-and-security#.

[24] Ibid https://www.un.org/en/our-work/maintain-international-peace-and-security#.

prescribed that states should deal with one another in a manner that could be described as "fair" and peaceful.[25]

The employment of peaceful methods is a fundamental tenet of international relations because it gives states guidelines and a framework to use in good faith to cooperatively reach a speedy and equitable conclusion based on international Law. This may lead to the development of international relations, the avoidance of using force, mutual respect, and integrity.[26].

According to Article 2(3) of the United Nations Charter, as highlighted, states are required to promote international Peace and security and use peaceful means of resolving disputes. This article specifically outlined that states must cooperate and work together in any way that helps to prevent or reduce war and advance Peace and order.

Obligation to Respect Sovereignty of The States

Modern public international Law holds that a state has sovereign status if it is not subject to any foreign law other than international public Law or any administrative, legislative, judicial, or other authority within its territorial jurisdiction. According to the Concept of state sovereignty, every person and property within a state's borders is entirely and solely under the power of that state. The Concept is that all states are equal as states are part of state sovereignty. "Sovereignty is the absolute and perpetual power of a Republic, which the Latins name majestatem/Majesty," according to Jean Bodin.[27].

Under Article 2, Paragraph 1 of the UN Charter, the Concept of sovereign equality is the foundation for member nations' collaboration.[28]. The principle of sovereignty is associated with

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[25] Sims, R. (2018). *ScholarWorks @ Georgia State University How Do We Understand International Law and Peace ?*

[26] DRAGNE, L. (2014). Maintaining Peace and International Security, Essential Condition in Normal Relations among States. *International Journal of Academic Research in Economics and Management Sciences*, *3*(1), 201–204. https://doi.org/10.6007/ijarems/v3-i1/606

[27] Kumar Deepraj (2019).*The Concept of sovereignty In international Law* Retrieved https://www.linkedin.com/pulse/concept-sovereignty-international-law-kumar-deepraj

[28] Ibid.

all states operating impartially and refraining from meddling/interfering in the internal affairs of other states. To sustain global Peace and security, the principle of sovereignty must be respected.

Obligation Not to Intervene.

The Friendly Relations Declaration (U.N. General Assembly, 1970) stated the following under the principle of non-intervention: No state or group of states has the right to directly or indirectly intervene in the internal or external affairs of any other form for any reason whatsoever.

In accordance with United Nations Charter Article 2(7), "Nothing contained in the present Charter shall authorize the United Nations to interfere in areas which are primarily within the domestic jurisdiction of any State." [29]

States must follow the non-intervention principles to achieve world peace and the United Nations' goal of sustaining Peace and security. This helps states cooperate peacefully and prevents anything from breaching international security and Peace.

Obligation to Obey UN Security Council Decisions.

The U.N. Security Council is the most potent multilateral political body. In addition to its essential function as a political forum, it now handles critical legal duties. Its main function is to prevent an act of aggression, a violation of the Peace, or a threat to the Peace, and to impose specific, mandatory duties on member states under Chapter VII of the UN Charter.[30]

The Security Council was formed by the United Nations Charter as a political body with primary jurisdiction over global Peace and security. as a result of its decisions becoming compulsory for all Member States, the United Nations is widely recognized as the most effective and powerful international organization. The effectiveness of the U.N. Security Council as a political organ and

[29] Retrieved From http://www.aalep.eu/principle-non-intervention-contemporary-international-law

[30] Hurd, I. (2018). The U.N. security council. *The Oxford Handbook of International Security*, 668–682. https://doi.org/10.1093/oxfordhb/9780198777854.013.45

its legitimacy as a legal actor depends on how closely its members collaborate to promote global security and peace goals and strategies.[31].

Conclusion.

Peace is a fundamental element. In human life and all over the world, maintaining international Peace and security in every state can cause good governance, international relations with good faith, economic growth, entrepreneurship, educational stability, human capital development, and stability of every country. States have a primary responsibility to collaborate to address any problems that may occur or to avert conflict scenarios to safeguard international Peace and security.

Islamic religion and international Law highlight the promotion of Peace and security; however, violating it could have severe consequences for all of humankind, not just the concerned nations.

[31] Hurd, I. (2018). The U.N. security council. *The Oxford Handbook of International Security*, 668–682. https://doi.org/10.1093/oxfordhb/9780198777854.013.45

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27. Hurd, I. (2018). The U.N. security council. *The Oxford Handbook of International Security*, 668–682. https://doi.org/10.1093/oxfordhb/9780198777854.013.45