Islamic International Law and the Right of Self-Defense of States

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Islamic international law is a branch of the Shari’ah (Islamic law). Due to the classical doctrine of the notion of ‘jihad,’ there have been misconceptions and Islam has been painted as a religion encouraging violence and war. This paper appeals for the reconsideration of the classical doctrine, which was adopted at a time when there was a state of war between Islamic and non-Islamic states. Going back to the roots and referring to the Qur’an and the Sunnah: the two primary sources of Islamic law, the paper argues that Islam prohibits aggressive war and that the essence of ‘jihad’ is ‘self-defense.’ After elaborating the essential conditions of the right of self-defense, the paper concludes that Islamic international law can contribute much to the present world order by providing moral and ethical values that modern international law is lacking.

Keywords
Shari’ah, Self-defense, Jihad, Islamic International Law

I. Introduction

‘Shari’ah’ is an Arabic word meaning the path to be followed. It is the path not only leading to Allah,1 God Almighty, but believed by all Muslims to be the path shown by Allah, the Creator Himself. The Shari’ah, or Islamic law, is based on unqualified

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1 ‘Allah’ is the unique name used by Muslims of the God Almighty, the Lord of the Worlds, and the Creator of every living and nonliving thing in the entire universe. The term ‘Allah’ will be used throughout the article to refer to God Almighty.