

MAQASID AL-SHARIAH FOR THE ESTABLISHMENT OF INTERNATIONAL REGIME

Surwandono¹, Tri Astuti Susanthi Retnoningsih², Ade Meiliyana³

Universitas Muhammadiyah Yogyakarta¹

Universitas Muhammadiyah Yogyakarta²

Islamic International University Malaysia³

Email: surwandono@umy.ac.id

Abstract

Approach to understand an international organization behavior is rested on the domination of Western structural approaches such as realism, liberalism, and cognitivism. These approaches have inflicted serious problem to have a good grip on the behavior of the international regime in Islam World and Third Countries World. This research was aimed to elaborate the relevance of Islamic approaches in the framework of maqashid shariah for the management of international regime. This framework which leans primarily on the value of “protection” is able to elucidate new insight upon the understanding of international regime reality in Islamic World and Third Countries World. It also becomes a new alternative method to conceive the behavior of international regime and criticizes the Western structural approaches which emphasize the value of “asymmetric” in regard to the international relations.

Keywords:

International Regime; Maqashid Shariah; Islamic World

Introduction

Development of post-World War II international regimes has been experiencing a significant growth as indicated in the establishment of the various international organization at global scale such as United Nation including its agencies i.e. FAO, WHO, UNCTAD, UNICEF, UNESCO as well as IAEA. In addition, the growth was also designated as the new global organization of IMF and World Bank along with its subsidiary organization of GATT, WTO which associated with liberal governance narration and Commecon which narrated as social communism governance.¹ (Guzman, 2005)

In a similar pattern, the development of regional organization has also been flourishing at an unprecedented rate either based on the domain of low or high political issues. The first type organization was originated based on low political issues such as

¹ Andrew T Guzman., 2005, *The Design of International Agreements, The European Journal of International Law Vol. 16 no.4* © EJIL 2005

the establishment of European Economic Community (EEC), thereafter was transformed into European Union, the establishment of ASEAN which was emerged based upon political issue prior to transform into economical issue as the core subject of collaboration, besides there was tendency to leverage into such EEC namely ASEAN Economic Community (AEC). On the other hand, some organization was based on high political issues either US Block representatives such as NATO, ANZUS, CENTO, SEATO or Soviet Union Block representative namely Warsawa. In addition, a regional organization such as Arab League, Africa League or Organization of the Islamic Conference which patronizes to booster issues of Islamic identity solidarity was also set up based on the second type domain.

The growth of International regime has recently accounted for 67.139 regimes structurally, including both intergovernmental and non-governmental regimes. It was estimated that the number of the convention has reached more than one million based on the approximation that one organization generates 20 conventions except for UN which was estimated to have 50 conventions.²

Likewise an example of a Nuclear Non proliferation convention. The NPT Regime is a regime that manages ownership of both State and non-nuclear countries. The nuclear state has access to maintain itself as a nuclear state with its exclusive rights. Whereas non-nuclear countries may not transform themselves into nuclear states, for any reason. But for nuclear state have the exclusive rights that used nuclear capacity for managing their political hegemony. Nuclear state conservatism causes many parties from non-nuclear countries to lose bargaining capacity. The international regime eventually became a tool of mere hegemony, which was later built on cliché reasons with claims to maintain stability.

There is the governance of the international regime that offers promising international conventions. This approach offers the importance of recognizing science simulations as part of the process for building compliance from established international organizations. The Kyoto Protocol is an idea in the era of the 20th century that is quite coloring the decision-making process related to environmental issues. The Kyoto Protocol is able to build the behavior of countries that produced carbon and non-carbon

² https://en.wikipedia.org/wiki/List_of_treaties

producers to jointly build partnerships for reducing the effects of global security as a result of gathering carbon in the atmosphere which then makes ozone holes. The Kyoto Protocol seems to be an important template for future environmental management in the world.

Islam as a system of life, offers a comprehensive idea of how to manage human life, with the concept of *rahmatan lil il alamin*. An important statement put forward is how the idea of Islam *rahmatan lil il alamin* in the development of international governance. And how effective the Islamic ideas of *rahmatan lil 'alamin* as an alternative as a foundation for the development of an international regime.³ (Munir, 2015)

Main Approaches

According to Hansclever⁴, there are at least three major approaches which are reasonable to understand the behavior of international organization i.e. realism, neo-liberalism, and cognitivism. In the first approach, the most determining variable toward the behavior of an international organization is power achievement in term of the ability to dominate the behavior of other members. The main objective of actors to get involved in a regime is how this country can increase its power of hegemony in the broader international system. The implication for the development of the organization in this regime becomes weak since institutionalization of the organization is rather to strengthen the domination of actors in the organization than to invigorate the power of institutional domination toward country's members. The most powerful actor in the country has the ultimate power to determine the direction of an international organization on how to think, act and behave. Therefore, realism approach put emphasizes on the achievement of profit and more accentuate into dominative aspects in the view of the behavioral model.

On the other hand, the second approach i.e. neo-liberalism assumes that the ultimate variable to the establishment of the international regime is the achievement of national benefits of embroiled members through any unanimous mechanisms.

³ Muhammad Munir, 2017, "Shari'ah and the Nation-State: The Transformation of Maqasid Al-Shari'ah Theory", *Haqara Islamicus*, vol. 6, issue 2 (July-Dec 2017), pp. 1-14.

⁴ Andreas Hasenclever, Mayer, P., Rittberger, V., 1997. *Theories of international regimes*, New York. Cambridge University Press

Institutionalization, in the view of this approach, is considered as a medium in which every country member has the same right to formulate proposal or recommendation, and to hold with any endorsed norms in the regime. In the case that the regime has failed to deliver its maximum function to particular country, they have the solid authority to withdraw from any term in the international regime.

In the last approach i.e. cognitivism, it assumes that the basic principle of an international regime is knowledge of something specific. That knowledge guides the institutionalization of an international regime to which direction it goes which must rely on some findings which are agreed among the members and are believed to have a high degree of truth which allows simulative maps are composed realistically. Institutionalization of the regime, in the view of cognitivism, becomes robust and firm due to the possibility of the regime to strengthen its authority onto country member thereof each member follows norms and regulation in the regime obligatory. Summary of the basic principles and features of each approach is presented in Table 1.1.

Table 1.1 School of thought in the study of international regimes

Parameters	Approach Types		
	Realism	Neoliberalism	Cognitivism
Central Variable	Powerful	Interest	Knowledge
Institutionalism	Weak	Medium	Strong
Meta-theoretical orientation	Rationalistic	Rationalistic	Sociological
Behavioral Model	Concerned with relative gains	Absolute gains maximize	Role-player

Source: Andreas Hasenclever, Mayer, P., Rittberger, V., 1997. *Theories of international regimes*, New York. Cambridge University Press

Based on the aforementioned theories, the establishment of Indonesia – Africa Cooperation Forum was relevant to neo-liberalism approach in which the main focus of collaborative establishment was on how to escalate the productivity of cooperation with African countries in order to achieve national interests of Indonesia. In this approach, it allows Indonesia to play role in bargaining position through some activities for persuading African countries to get further involved in the Forum without any necessities to mention some of the Indonesian national interests explicitly which may affect any agreements in the Forum. Exogenous shock crisis which defines an effort to

increase the probability of success in negotiating the terms of international regimes can help the negotiating parties to refocus on their common interest and to overcome stalemates that commonly occur in institutional bargaining. Factors contributing to success in institutional bargaining is summarized in Table 1.2. Therefore, some dead-lock situation occurs during discussion/session, neo-liberalism approach can be more beneficial and dynamic to refocus on their common interests upon previous agreements. This establishment of the Forum also suggested some factor which should be managed properly in order to achieve integrative bargaining successfully through various measurable and promising schemes including:

- a) Proper solution for the interests of any parties
- b) Significant solution for the achievement of interest of any parties
- c) Obedient mechanism among the parties effectively and eminently
- d) Possibility of multiple leadership based on condition and situation

Table 1.2 Factors contributing to success in institutional bargaining

<p>I. Factors encouraging integrative bargaining</p> <ol style="list-style-type: none"> 1) Contractual environment blurring the zone of agreement and veiling the future distribution of benefits 2) Exogenous shocks of crisis <p>II. Factors promoting the success of integrative bargaining</p> <ol style="list-style-type: none"> 1) Availability of equitable solution 2) Availability of salient solution 3) Availability of clear-cut and effective compliance mechanisms 4) (Mixture of entrepreneurial, structural and intellectual) leadership

Source: Andreas Hasenclever, Mayer, P., Rittberger, V., 1997. *Theories of international regimes*, New York. Cambridge University Press

In recent international politics, the main approach can always explain what phenomena in the context of relation toward the state. However, the international regime has always found a way to affirm on the existence of state hegemony in international structure and form positivistic regime. As consequence, there is more gap between rich state and a poor one in which the first stay in top power state and the

anarchism remain as the main governance. In summary, the international regime has not changed the humanitarian world.

Maqashid Al-Shariah: Objective of Knowledge

Maqashid Al-Shariah is defined terminologically as aim or objective upon the existence of shariah or regulation i.e. rule or laws in the Islamic religion. The ultimate objective according to fiqh scholars is to provide protection of humanity for the sake of the benefits in world and life after. According to Qaradawi and Nurhakim⁵, scholars have categorized subjects which are reasonable to be protected. It can be distinguished into three categories including primary needs covering all subjects related to the needs of life survival, secondary needs and tertiary needs comprise of the need for amenities. In Maqashid Al-Shariah, each categorization comprises of hierarchal structures. For instance, the primary needs are structured into 5 protection including:

- a) Protection toward religion (hifdz ad-din)
- b) Protection toward mind (hifdz al-aql)
- c) Protection toward soul (hifdz an-nafs)
- d) Protection toward treasure (hifdz al-maal)
- e) Protection toward descent (hifdz an-nasl)

This hierarchical structure means that the needs of protection of religion must be prioritized for other protection. In order to ensure that process of decision making is conducted based on maqashid al-shariah methods, it has to be carried out properly and carefully. In various political cases, there is a tendency to divert political issues into religious one for the benefit of mobilization in regaining support or endorsement.⁶ (Hasan, 2014)

According to Qaradawi and Nurhakim⁷, explanation of maqashid al-shariah is easier to be understood in the context of priority rule (Fiqh Awlawiyat) on how to make choice in a batch of situational or lawful normative dilemmas. For instance, when a case has two or more salutary options, the solution is to pick the most salutary choice. In a similar pattern, when a case has two or more despicable options, one can pick a solution

⁵ Qardhawiy and Nur Hakim, 1996. *Fikih prioritas : urutan amal yang terpenting dari yang penting*. Jakarta, Gema Insani Press.

⁶ Muhammad Hasan Kamali, 2014, *Maqashid al-Shariah Made Simple*, Occasional Paper Series 13, London, IIIT

⁷ Ibid.,

based on the least impact. Moreover, when a case has both salutary and despicable options, the decision easily opts on the salutary choice.⁸

However, in particular cases, there is a condition when the complicated case has to be dealt with. For instance, conducting a good deed does not give any benefits for humanity whereas performing a bad deed one could obtain various benefits instead. In case of surgery, it certainly causes serious bleeding. According to maqasid al-shariah method, the basic principle of conducting acts which cause bleeding or performing assassination is strictly prohibited (Haram). Thus, conducting surgery is rigidly forbidden and not performing it falls under a good deed. Nevertheless, once a new premise is entangled so that performing acts which was originally prohibited could results benefits for humanity, in comparison to not doing so, then the status of this act turns into a permitted one or halal.⁹

Based on this, there are numerous principles in the context of priority rule methods (Ushul Fiqh Method) which may be implemented wisely. For instance, there is one principle i.e. *daarul mafsadah muqaddama 'ala jalbil mashalih*¹⁰ (preventing a pernicious act is considered as important than performing a good deed). In the case of surgery, Islamic scholars have taken that this case may be judged based on this principle that surgery is principally prohibited unless it gives rise benefits for humanity so that it becomes an optional act or even compulsory one.

Study on maqasid al-shariah was also conducted by Auda¹¹ who reported the description of the structural hierarchy of maqasid al-shariah as illustrated in figure 2.1.

⁸ Surwandono, 2017. *Pemikiran Politik Islam: Metodologi, Pemikiran dan Pelembagaan*. Magister Ilmu Hubungan Internasional UMY

⁹Ibid.,

¹⁰ Shabana, Ayman, 1973, *Custom in Islamic law and theory : the development of the concepts of 'urf and 'a-dah in the Islamic legal tradition*, New York, St. Martin's Press, comparing with Abdul Waid, 2014, *Kumpulan Kaidah Ushul Fiqh*, Yogyakarta, Diva Press

¹¹Auda, J., 2007. *Maqasid Al-Shariah as Philosophy of Islamic Law*. The International Institute of Islamic Thought, London.

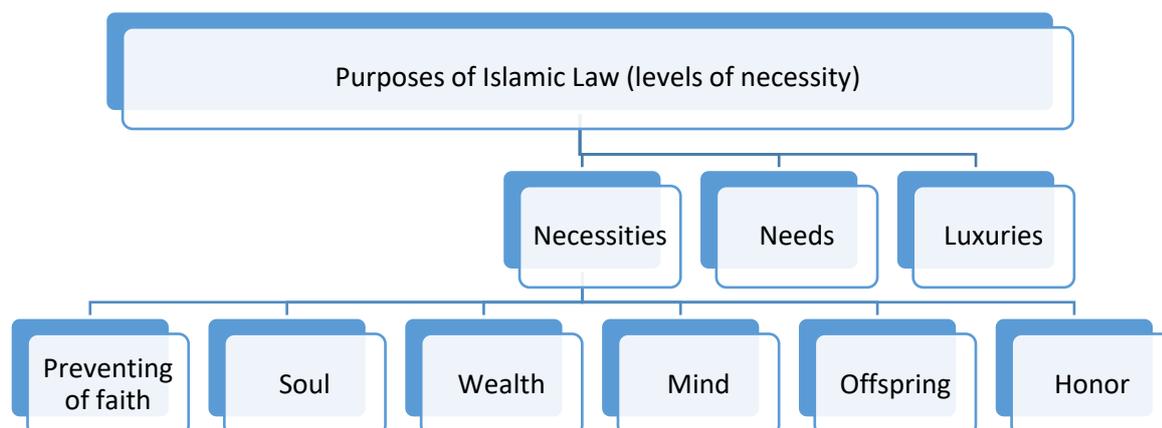


Figure 2.1 Hierarchy of the purposes of the Islamic law (dimension of levels of necessity)

To fulfil the need of Muslim community in the modern and globalization era, Nurdeng Deuraseh,¹² propose two more essential values of *daruriyyat* (the essential of necessities) namely preservation/protection of environment (*Hifz al Bi'ah*) and preservation of health and protection from disease (*hifz al-sihhah wa daf' al-marad*).

Maqashid Shariah as Islamic Principle on International Convention

The International regime is commonly known as principles, norms, rules and decision-making procedures around which actors' expectations and interests assemble in a given issue of international relations. Principles and norms can take form as an international convention which is agreed by several countries, and further transformed into an international organization.¹³ (Salleh, 2016)

In Islamic jurisprudence, all the things are permissible unless they are prescribed otherwise (*الأصل في الأشياء الإباحة، حتى يدل الدليل على التحريم*). This principle is enacted in the aspects of *mu'amalah* which is concerned with Muslim daily life excluding *ibadah* (the practice of ritual worship such as performing prayer or *shalat*, *zakat*, and fasting). *Mu'amalah* refers to interaction among people in their society or person-to-person activities, including social, political, and economic activities. This concept is also can

¹² Deuraseh, N., 2012. *New Essential Values of Daruriyyah (Necessities) of The Objectives of Islamic Law (Maqasid Al-Shari'ah) (Keperluan Nilai Baharu Dalam MAqasid Shari'ah)*. J. Hadhari An Int. J. 4.

¹³ Mohd Afandi Salleh, (et.al), 2016, "Maqasid Al-Shariah as a Parameter in International Treaty", *Advances in Social Science, Education and Humanities Research*, volume 84, International Conference on Ethics in Governance (ICONEG 2016), Atlantis Press,

be applied at the state level. Since international relations practically are the mixture of social, political, and economic matters within a broader scope.

Cooperation among states is the global phenomena that we cannot deny.¹⁴ (Abdullah, 201*) Cooperation among states within international forum or organization can be seen as an effective way for the states to survive and obtain their interest. Islam encourages cooperation or *at-Ta'awun* in good deed and piety and prohibits cooperation in sin and aggression¹⁵. Thus, although cooperation among states can be understood as an inclusive practice, it has to be in accordance with righteousness and piety.¹⁶ An international agreement is the source and also the simplest form of international regime. Islam requires Muslims to fulfill the covenants or *al-Wafa' bil 'Ahd*.¹⁷ A covenant is described as strong strands, and people who break the covenant are called "hypocrites". Therefore international regime is viewed as positive reinforcement in Islamic perspective.

The purpose of the Islamic law is to ensure the well-being of all mankind through protecting their faith, their self (life), their intellect, their descendants and dignity, and their wealth. Muslims are obliged to defend their faith under all circumstances, thus protection of the faith is considered as the first priority of necessities in *maqashid sharia*. Muslims have to defend themselves from the social or political ban that forbids them from performing Islam, and avoid themselves from apostasy. Islam also refuse violation of the freedom of religion, this protection of the freedom of religion is not restricted for the Muslims, but also non-believers, as Islam promotes tolerance and no compulsion in religion,¹⁸ independency or *al-Hurriyah*, and freedom of belief.¹⁹ Charter of Medina concluded conflict between two tribes; *Aus* and *Khazraj*, and ensure freedom for Jews and other scriptures to perform their religion.²⁰

¹⁴Muhammad Abdullah, 2018 "Waqf, Sustainable Development Goals (SDGs) and maqasid al-shariah", *International Journal of Social Economics*, Vol. 45 Issue: 1, pp.158-172, <https://doi.org/10.1108/IJSE-10-2016-029>

¹⁵ Quran 5:2

¹⁶ Surwandono, Ahmad, S., 2011. *Resolusi Konflik Dunia Islam*. Yogyakarta, Ghalia Ilmu

¹⁷ Quran 5:1

¹⁸ Quran 2:256

¹⁹ Quran 10:99

²⁰ Iqbal, A., 2000. *Diplomasi Islam*. Jakarta, Pustaka Al-Kautsar.

Until one of the Jewish clans, *Banu Qaynuqa* broke the peace treaty and harassed a Muslim woman which caused to their expulsion from Medina ²¹.

United Nations Charter and Universal Declaration of Human Rights contains principles and norms that call 194 member states universal to respect human rights and fundamental freedoms for all without distinction as to race or religion. The United Nations General Assembly urged member states to ensure that their constitutional and legal systems guarantee freedom of thought, conscience, religion, and belief, and provide the effective solutions for the violation of freedom of religion and belief. Human rights regime places religious matters in a number of conventions; International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, etc. In 1981, United Nations General Assembly passed resolution contains ‘Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief’, and then reaffirmed it in 1995 and 2003.

Unlike the international convention, the declaration is a non-binding law; it is not powerful as international convention or covenant. The human right regime cannot guarantee freedom from fear, defamation, misperception, framing, and discrimination, restriction on performing religion for believers that may lead to unanticipated outcomes, such as phobia against a particular religion, extremism, conflict, and fragmentation. In United Nations General Assembly 2011, OIC proposed resolution related to defamation of religion, but Western states opposed the proposal, then UN decided resolution that could be agreed by both Western and OIC states²². However, this resolution could not prevent defamation of religion. *The innocence of Muslims, Charlie Hebdo’s caricature* are the example how freedom of expression intersect freedom of belief and religion.

Second, Islam urges to protect and preserve *nafs* (soul) or human life. Thus Islam wards off destructive tendencies of human guarantees the right of life for every mankind, “*whoever kills a person, except as a punishment for murder or mischief in the land, it will be written in his book of deeds as if he had mankind entirely, and whoever*

²¹ Al-Mubarakfuri, S., 2002. *Sirah Nabawiyah Ar Rabiq Al Makbtum*. Jakarta, Pustaka Al-Kautsar.

²² McGonagle, T., Donders, Y., n.d. 2010, The United Nations and freedom of expression and information : critical perspectives.

will save a life shall be considered as if he had preserved life of mankind entirely”²³. Islam requires punishment or retribution for whoever whether unintentionally or intentionally kills believer and non-believer. Even to harm a creature is not allowed in Islam, except there are some conditions require a person to choose the lighter risk (*لَا تُعَارِضُ مَفْسِدَاتٍ رُوعِيَّ أَعْظَمَهُمَا ضَرَرًا بَارِتْكَابَ أَخْفَهُمَا*).

Norms that are spread among social and international society see everyone’s right to life shall be respected and protected. The Nuremberg Charter 1945 is the first effort to establish international law concerning inhuman acts such as murder, extermination, the genocide that is further known as crimes against humanity. United Nations General Assembly in 1946 declared that “genocide is a crime under international law. “Convention on the Prevention and Punishment of the Crime of Genocide” or simply known as “Genocide Convention” then emerged in 1948.

Unfortunately, it is only a will to stop genocide, but still, there is no effective way. Bosnian War during 1992-1995 has been one of the past phenomena when necessities to protect the faith, life, offspring, and honor are violated. As the Soviet Union was dissolved and Yugoslavia broke up into several states, Bosnian Muslim, Serbs, and Croats struggled over Bosnia-Herzegovina. Bosnian Serbs who were supported by Serbia gradually tried to establish a homogeneous state for Serbs by attacking military attacks, torture, rape, starvation, and extermination of non-Serbs; especially Bosnian Muslim as the majority in Bosnia-Herzegovina. The war between Serbs and Bosnians has caused 200.000 deaths; including Muslims, Serbs, and Croats, 12.000 women were raped, and 1.2 million Bosnians had become refugees and fled for other countries.²⁴

Rohingya is now one of the examples depicts that ethnic cleansing does still exist. The United Nations human right chief considered Myanmar as “a textbook example of ethnic cleansing” against Rohingya Muslims ²⁵ United Nations Human Rights Council or UNHCR then adopted a resolution establishing Fact-Finding Mission for Rohingya. According to UNHCR Council, UN Office of the High Commissioner for

²³ Quran 4:92-93

²⁴Weitz, E.D., 2003. A century of genocide : utopias of race and nation. New York, Princeton University Press

²⁵ UN News - UN human rights chief points to “textbook example of ethnic cleansing” in Myanmar. Retrieved November 13, 2017, from <http://www.un.org/apps/news/story.asp?NewsID=57490#.Wgllvy5fjVQ>

Human Rights found there were systematic and widespread crimes against humanity in the North Rakhine. Since 2016, Myanmar security forces had burned approximately 1500 buildings in Rohingya areas, harassed dozens of women, committed persecution and extrajudicial executions against Rohingyas.²⁶ Still, UN as an umbrella that unites all of the human rights systems has not been able to resolve the humanitarian crisis in Rohingya.

The history of international relations cannot be separated from war. There are various international conventions that have tried to prevent and constrain the use of the force. Even the existence of United Nations itself aimed to end an inter-state war that occurred during World War I and World War II. In Islam, war is permissible and can be obligatory if there are some greater damages that might be acquired or *fitnah* if the war is not performed; self-defense and fighting against torture.²⁷ Islam restricts warfare with a number of humanitarian principles, "*Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors*".²⁸ According to several hadiths and Islamic scholars, "*do not transgress*" means Islam forbids killing civilians, and those who are not able to fight such as children, women, and disabled people. Islam also forbids torturing a prisoner of war, using inhuman weaponry, and harming civilian properties such as trees, farm, and livestock.²⁹

War was seen as a natural phenomenon for centuries. Countries then initiated an effort to constrain force by several international conventions and institution, later known as an international humanitarian regime or global regime for armed conflict. However, numbers of states now easily camouflage the use of violence as a form of self-defense, pre-emptive action, and humanitarian intervention so that international community will not see those as a violation of the international humanitarian law. Under Bush administration, the United States and its alliance in 2001 and 2003 have deployed their military into Afghanistan and Iraq for self-defense and on the global war on terrorism purpose. Furthermore, it was permissible for the army to treat prisoners of war and corpses in an inhumane way. As if, the international regime has permitted

²⁶ UNHCR. (2017). Syria Regional Refugee Response - Regional Overview. Retrieved November 14, 2017, from <http://data.unhcr.org/syrianrefugees/regional.php>

²⁷ Quran 2:193 and Quran 2:216

²⁸ Quran 2:190.

²⁹ Katsir, I., 2004. Tafsir Ibnu Katsir. Pustaka Imam Asy-Syafi'i, Bogor..

immunity for the hegemonic state to perform such violation. The International regime also could not stop armed conflict in Syria that has led to 480.000 death³⁰ and approximately 5 million civilians fled to neighboring countries and Europe³¹

Third, humans have been endowed with mind and intelligence that distinguishes humans from all other creatures. Islam encourages mankind to use and protect their intelligence for their survival and world sustainability³². Islam views education as a right for all of the individuals, as it was narrated by Ibn Majah; Prophet Muhammad said, "Seeking knowledge is an obligation to every Muslim". Quran also contains a number of verses that emphasize the importance of education and the virtue of well-educated believer³³. Protecting mind also means that Muslims ought to maximize the use of their minds and keep them from activities and substances that might harm the brain, "*And spend in the way of Allah and do not throw yourselves with your own hands into destruction*"³⁴, "*They ask you about wine and gambling. Say, "In them is a great sin and (yet, some) benefit for people. But their sin is greater than their benefit*"³⁵

One of the Sustainable Development Goals is to ensure equal and inclusive education and promote lifelong learning opportunities for all people.³⁶ Unfortunately, there are many people in Islamic worldwide who have not received any basic education and literacy skills, some countries have deliberately restricted access to education for women. In 2013, several Islamic countries in Africa and Asia such as Afghanistan, Sudan, Mauritania, Yemen, Pakistan, Bangladesh, etc also ranked with the lowest Education Index score³⁷. Ironically, studies found that *Afghanistan and Pakistan are the largest heroin producer which feed the heroin worldwide market.*³⁸

³⁰ UNHCR. (2017). Syria Regional Refugee Response - Regional Overview. Retrieved November 14, 2017, from <http://data.unhcr.org/syrianrefugees/regional.php>

³¹ Ibid.,

³² Quran 3:191

³³ Quran 58:11

³⁴ Quran 2:195

³⁵ Quran 2:219

³⁶ Muhammad Abdullah, op.cit.

³⁷ UNDP. (2013). Education index : Human Development Reports. Retrieved November 14, 2017, from <http://hdr.undp.org/en/content/education-index>

³⁸ Chossudovsky, M., n.d. The Spoils of War: Afghanistan's Multibillion Dollar Heroin Trade | Global Research - Centre for Research on Globalization [WWW Document]. URL <https://www.globalresearch.ca/the-spoils-of-war-afghanistan-s-multibillion-dollar-heroin-trade/91> (accessed 11.15.17).

Fourth, Islam also encourages Muslims to safeguard their wealth, *“And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully. Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful”*³⁹. Safeguarding wealth means both preservations from the loss and development of the wealth since wealth is an important aspect of supporting human sustainability. Islam ensures right for individuals to gain wealth with as well as provide social assistance that is paid by the wealthy for the sake of the poor; such as zakah, infaq, and sadaqah. Nevertheless, Islamic worldwide is currently competing to improve their development based on capitalism regime prescription such as IMF, World Bank, and WTO. In addition to providing financial assistance, these economic regimes would prescribe policy changes or conditions to the third world; high rate interest, privatization, reducing trade barrier, and removing subsidies that might contradict Islamic economic principles. In fact, these regimes have not been able to break the poverty line in the Islamic world since the majority of the Islamic world are third world countries. Most of the countries in Islamic worldwide are still ranked as the country with low and medium HDI score, only Brunei, Qatar, Saudi, and United Arab Emirates can be classified as countries with high HDI scores.

Fifth, Islam also aims to protect offspring and humans' dignity, *“And We have certainly honoured the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with definite preference”*⁴⁰. Islam prohibits any breaching decency such as having unlawful sexual relations⁴¹; same-sex marriage, and the spreading rumor that will ruin someone's marriage. Muslim men and women are obligated to protect their chastity, lower their gaze, and treat other people with honor. Islam also encourages Muslim to protect children; including orphans and ensure their right to grow up in healthy families. Unfortunately, sexual harassment has become a major issue in several Islamic countries, such as Egypt, Lebanon, India, and other countries that suffer from intra-state armed conflict. A global study in 100 countries found that Egypt, Iran, Jordan, Lebanon, Saudi Arabia, Syria, Tunisia Yemen Indonesia, Kazakhstan, do not

³⁹ Quran 17:26-27

⁴⁰ Quran 17:70

⁴¹ Quran 17:32

have such laws preventing sexual harassment especially in the workplace ⁴². Furthermore, children marriage and genital circumcision for the woman always become a debatable issue between Western and Islamic World. Thus, Islamic worldwide needs global rigid framework combating sexual violence, prostitution, trafficking, and any other action that might violate Islamic objective to protect humans' dignity.

Concluding Remarks

The inability of the international regime to provide a solution for international problems is evident. Moreover, the regimes tend to spur superpower state for intensifying its hegemony toward weak states. This can be covered by the principle of maqashid al-shariah through its five protection. However, the implementation of such principles in international politics has not been obviously manifested.

However, the idea of Islam in building an international system has not been widely implemented. The problem of power relations and hegemony becomes one of the sources of the problem. The challenge for Muslim scholar who believes Islam have a comprehensive idea in solving international problems so the first step is how does idea of Islam can be built into a system of simulating knowledge, as developed by the school of cognitivism. Building a simulation of Islamic knowledge as rahmatan lil alamin is an urgent agenda for Muslim scholars. The simulation building must lead to better world governance, not just a normative building. The building must be a governance that can be implemented.

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⁴² Hersch, J., 2015. Sexual harassment in the workplace. IZA World Labor. <https://doi.org/10.15185/izawol.188>

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