

# Public International Law and the Islamic Foundations for Engaging with It

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## **Abstract**

*This research explores Public International Law as a primary tool for regulating relations between states and achieving justice and peace. It examines the evolution, principles, and objectives of international law, highlighting the challenges of its practical implementation, especially during global crises such as those in Gaza and Ukraine. These crises reveal the contradictions between the theoretical principles of international law, such as justice and equality, and its practical application, which is often influenced by political interests and double standards. The study also addresses the balance Public International Law seeks to achieve between idealism, grounded in justice and human rights, and realism, driven by political and economic interests. Additionally, the research highlights the Islamic foundations for engaging with international law, presenting Sharia as a stable ethical framework rooted in justice, peace, and universal human values. It emphasizes that achieving justice and peace requires strong ethical and practical frameworks.*

**Keywords:** Public International Law, Islamic Jurisprudence, Global Crises, Justice, Peace, Idealism and Realism

## **INTRODUCTION**

This research examines Public International Law as a fundamental tool for regulating relations between states and achieving justice and peace. Despite its historical evolution, this legal system faces significant challenges in practical implementation, particularly due to the influence of political and economic interests of major powers. These challenges are evident in global crises such as those in Gaza and Ukraine, where contradictions arise between the theoretical principles of international law—such as equality and justice—and the realities of double standards and weak enforcement mechanisms.

In contrast, Islamic Sharia offers a comprehensive divine framework that upholds the values of justice and mercy, providing fixed principles for addressing humanitarian and international crises. This research does not aim to compare Islamic Sharia with Public International Law as equal systems, as Islamic Sharia derives its legitimacy and perfection from God Almighty, while Public International Law is a human-made system developed by states. Nevertheless, achieving justice in any legal system requires the presence of authority and power to ensure its implementation. This underscores the importance of activating both moral and practical authority to support the application of Islamic Sharia and international law in achieving peace and justice.

The research focuses on outlining the Islamic foundations for engaging with Public International Law. These foundations include affirming the principle of peace, human brotherhood, and international cooperation based on peace and security; commitment to justice and shared human values; and avoiding the imposition of agendas contrary to Islam. The study aims to present a balanced perspective on how justice and international peace can be realized in alignment with Islamic values and contemporary legal principles.

## **Definition of Public International Law**

The definition of public international law has been a subject of significant debate among jurists. The variations in their definitions reflect differing perspectives and interpretations of the sources and purposes of this legal framework (Sultan, 1986). Early discussions were heavily influenced by theological thought, emphasizing justice as derived from natural law principles. Over time, these views evolved as legal scholars incorporated practical precedents and practices in international diplomacy, leading to the diverse definitions we encounter today (Al-Ghunaymi, 1989, p. 17).

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## **Historical Evolution of Definitions**

Early jurists emphasized theological and philosophical foundations, linking international law to moral and natural justice. This was evident in their belief that justice was a divine principle underpinning international relations (Abu Al-Enein, 1989, p. 5).

Later, positivist thinkers shifted the focus towards a pragmatic understanding of international law. They highlighted the realities of political and diplomatic relations, emphasizing treaties, state practices, and agreements as the primary sources of international law (Sultan, 1986; Al-Ghunaymi, 1989, p. 17).

## **Two Approaches to Defining Public International Law**

Based on a careful review of scholarly contributions, the definitions can be categorized into two main approaches:

**State-Centric Approach:** This approach restricts the scope of public international law to relations between states. It defines international law as a framework for governing recognized interactions among sovereign entities (Muhammad Talat Al-Ghunaymi, 1989, p. 17).

**Comprehensive Approach:** This broader approach includes individuals and organizations as subjects of international law, alongside states. It emphasizes the interconnectedness of modern international relations and the role of global institutions and individual rights (Jaafar Abdul Salam, 1989, p. 5).

## **Ethical and Humanistic Dimensions**

The development of international law has been deeply influenced by ethical and humanistic concerns. As Abu Al-Enein (1989) notes, the need to address global challenges in politics, economics, and culture prompted the refinement of its principles. This ethical foundation is evident in the focus on universal human rights, justice, and international cooperation (Abu Al-Enein, 1989, p. 5).

## **Modern Perspectives**

Modern definitions, such as those by Dr. Muhammad Hafiz Ghanem, emphasize that international law is "a set of rules regulating the rights and obligations of states and other entities." Ghanem also highlights the idealistic and humanitarian dimensions that strive to balance the interests of individual states with those of the global community (Al-Ghunaymi, 1989, p. 17). Dr. Muhammad Talat elaborates further, stating that international law encompasses rules that significantly impact the international community as a whole, regardless of the parties involved (Abu Al-Enein, 1989, p. 5).

The ongoing evolution of public international law highlights its dynamic nature, reflecting both the ethical ideals and practical realities of global relations. By bridging state-centric and comprehensive approaches, public international law continues to adapt to the complexities of modern international challenges.

## **Stages in the Evolution of the Definition of Public International Law**

**First Stage:** Initially, traditional definitions restricted the subjects of public international law to a single entity, namely the state. This stage reflects the state-centric approach that dominated early international legal thought. For example:

"The law governing states in their recognized relations." (Abdel Salam, 1981, p. 16).

"A set of rules that regulate relations between states, defining their rights and duties." (Abu Haif, n.d., p. 8).

The Permanent Court of International Justice in the Lotus case (1927) defined public international law as "the law governing relations between independent states." (Sbarini, 2005, p. 12).

These definitions illustrate the centrality of the state as the sole subject of international law during this period. (Sbarini, 2005, p. 11).

**Second Stage:** The second stage marked a shift where jurists began to include individuals as subjects of international law, acknowledging that international legal rules could apply directly to individuals and not just states. This stage reflects an expansion of scope to incorporate human rights and individual responsibilities in international contexts. For instance:

Lawrence's definition: "The rules that determine the conduct of the community of civilized nations in their mutual dealings." (Abu Haif, n.d., p. 8).

Ehrens' definition: "A set of rules governing the natural relations of peoples, adapted to the conditions of their coexistence and the assistance and international relations that arise between them." (Al-Ghunaymi, n.d., p. 21).

These definitions indicate a gradual recognition of individuals and their role in international law.

**Third Stage:** In the third stage, jurists further broadened the scope to incorporate a variety of subjects beyond states and individuals, such as international organizations. This stage reflects the growing complexity of international relations and the recognition of the importance of non-state actors in global governance. Examples include:

Kovalyov's definition: "A set of customary and contractual behavioral rules that are formed and evolve over history, governing—on behalf of the ruling classes—the political, economic, and other relations of states in their conflicts and cooperation during peace and war." (Al-Ghunaymi, n.d., p. 31).

Vyshinsky's definition from the Soviet perspective: "A set of rules governing the relations of states in their conflicts and cooperation, expressing the will of the ruling classes in those states and enforced through coercion exercised by states, individually or collectively." (Al-Ghunaymi, n.d., p. 31).

"A set of legal rules defining the rights and duties of states and other international entities and organizing their mutual relations during war, peace, and neutrality." (Al-Majzoub, n.d., p. 11).

These definitions demonstrate the inclusion of non-state actors and reflect the transition towards a more comprehensive framework for international law.

### **Analysis of the Evolution**

The evolution of public international law highlights its dynamic nature. It transitioned from a narrow focus on state sovereignty in the first stage to include individuals and organizations in subsequent stages. Early definitions, rooted in theological and philosophical ideas, emphasized natural justice. Later definitions incorporated realist elements, focusing on treaties and power dynamics, while modern definitions strive to balance these elements with human rights and global cooperation.

Integrating the definitions within their respective stages clarifies the progression of public international law from a state-centric approach to an inclusive framework. This progression reflects the ethical and practical imperatives of addressing global challenges through a comprehensive and adaptive legal system.

### **The Purpose of Public International Law**

The purpose of public international law is to achieve global peace and human happiness by organizing relations among nations and societies. According to the mentioned source, international law seeks to accomplish this purpose through the following objectives:

#### **Defining the Jurisdictions of States and Preventing Aggression**

International law sets clear boundaries for states' jurisdictions, preventing them from overstepping or engaging in aggressive ventures that could lead to disasters and human suffering (Al-Majzoub, n.d., pp. 32-33; United Nations, 1945, Art. 1).

#### **Specifying International Duties and Obligations**

International law establishes the duties and obligations of states, whether positive (such as international cooperation) or negative (such as refraining from aggression). These obligations are based on the

premise that every state is a member of the international community or international institutions (Al-Majzoub, n.d., pp. 32-33; Brownlie, 2008).

### **Regulating the Work of International Bodies and Organizations**

International law contributes to organizing the functions of international bodies and organizations, transforming them into global platforms where states can resolve disputes, express aspirations, and collaborate to build lasting peace (Al-Majzoub, n.d., pp. 32-33; United Nations, 1945, Art. 1).

### **Protecting Fundamental Human Rights**

International law aims to protect human rights everywhere, regardless of nationality or location, reinforcing values of justice and human dignity (Al-Majzoub, n.d., pp. 32-33; Brownlie, 2008).

These objectives reflect the efforts to establish an international system based on peace and mutual understanding, which are essential for achieving global stability.

## **The Binding Nature of Public International Law**

The binding nature of international legal rules is not primarily dependent on physical coercion or enforcement mechanisms. Instead, it is grounded in the recognition of these rules and the respect demonstrated by those governed by them. Coercive enforcement is merely a consequence that follows when these rules are violated or disregarded (Abu Al-Enein, 1989, p. 219).

However, the connection between binding force and coercive enforcement remains essential. Binding force is what underpins the enforceability of legal rules in cases of non-compliance (Sarhan, p. 35).

The American scholar Jessup highlights that international law cannot evolve into a fully effective legal system unless a global government is established. He argues:

"The primary function of law, which is to prevent the use of force in resolving human disputes, cannot be realized unless the world achieves a form of global government where collective will prevails over the individual will of sovereign states. This requires the existence of authorities capable of:

- Enacting legal rules (legislative authority),
- Interpreting and applying these rules (judicial bodies), and
- Forcing compliance with the rules (police forces)"

(Tonkin, 1972, p. 185).

Thus, the binding force of international legal rules stems not from material coercion but from a sense of obligation and respect felt by those subject to these rules. Nonetheless, the relationship between binding force and coercive enforcement remains integral, as the former provides the foundation for the latter when rules are violated.

Jessup's vision of a global government is a forward-thinking concept that raises important questions about its feasibility and realism within the current international system.

## **The Legitimacy of Law**

The legitimacy of laws, whether domestic or international, depends on two primary factors:

- Their alignment with universal ethical principles.
- Their ability to serve both individual and collective interests.

However, conflicts may arise between interests, particularly individual ones, that could obstruct justice or other core ethical principles. In such cases, society may reject the legitimacy of the law. Therefore, it can be concluded that the key factor granting legitimacy to any law is its harmony with universal ethical principles (Azzan, n.d.).

This relationship becomes even clearer through the lens of diplomacy, defined as "the arts and methods by which a state implements its foreign policy." Diplomacy is closely interconnected with international law, as it relies on and influences the behavioral rules established by legal frameworks. Diplomacy also plays a pivotal role in shaping international law, whether through conventions or customary practices (Sabarini, p. 19).

Philosophers argue that certain universal principles are inherent and precede any legal rules created to govern human behavior. Ethics, in this context, serve as a foundation for laws. Laws that conform to these ethical principles are seen as valid and enforceable, while those that contradict them are deemed arbitrary and unjust, requiring amendments to align with natural human values.

### **Key Ethical Implications**

**Rejection of Inconsistent Laws:** Positive laws and social conventions are categorically rejected if they do not align with universal ethical principles.

**Moral Foundations Over Codified Rules:** What is just is not merely what is codified in law but what aligns with ethical values at its core.

**Authority Requires Ethical Justification:** Authority that is solely based on legal rules lacks legitimacy unless it is supported by universally accepted moral foundations.

### **Legitimacy in International and Islamic Law**

The legitimacy of laws in both international and Islamic jurisprudence is grounded in their alignment with universal principles. However, Islamic law stands out with a unique foundation: it is derived from divine revelation, and therefore, its legitimacy is rooted in Allah. This divine origin grants Islamic law distinctive characteristics:

**Universality:** Islamic law applies to all of humanity without discrimination, reflecting its inclusiveness and fairness. Allah states in the Qur'an: "*And We have not sent you, [O Muhammad], except as a mercy to the worlds*" (Qur'an, 21:107), emphasizing that Islamic law is designed for the benefit of all people (Abdullah, 1990, p. 237).

**Justice and Humanity:** Rooted in divine guidance, Islamic law ensures justice and upholds human dignity. Allah commands: "*Indeed, Allah commands you to uphold justice, and to do good, and to give to relatives*" (Qur'an, 16:90). Islamic jurisprudence ensures fairness in a way that avoids bias and serves collective human interests (Abdullah, 1990, p. 237).

**Stability:** Unlike human-made laws, which are subject to change with societal interests, Islamic law remains constant and unaltered. Its principles are eternal, ensuring it serves the ultimate welfare of humanity. Allah says: "*And the Word of your Lord has been fulfilled in truth and in justice*" (Qur'an, 6:115).

These characteristics make Islamic law a comprehensive and unchanging legal framework, transcending time and place, while aiming to achieve the collective and individual well-being of humanity.

In contrast, international law typically derives its legitimacy from state consensus and its alignment with ethical principles recognized by the global community. Scholars have noted that the legitimacy of positive laws depends on their ability to uphold justice and serve the public good. For example, Azzan (n.d.) emphasizes that laws inconsistent with universal ethical principles are rejected. Similarly, Hamisi (n.d.) underscores that international legal frameworks must balance state responsibilities to maintain order and justice (Hamisi, n.d., pp. 95, 106).

The shared emphasis on justice and ethical foundations provides a valuable platform for dialogue between Islamic law and international law, fostering collaboration toward a fairer and more humane global legal order.

### **Sources of Public International Law**

Every legal rule derives its existence from two types of sources:

Indirect Natural Sources: These are inherent sources that inspire the rule and provide its essence and reason for existence, such as the necessities of social and economic life, principles of justice, the sense of solidarity among humanity, and other factors.

Scholars have differed regarding the foundations upon which the principles of international law are based, leading to the emergence of various and divergent theories. Each scholar examined the subject from a specific perspective. Among these theories are the theory of ethical rules, the theory of international courtesies, the theory of general individual consent, the theory of collective consent, the theory of natural law, the doctrine of positive law arising from the provisions of written treaties, the theory of nationalism and nationality, which gave rise to the principle of self-determination, and the theory of Christianity (Morsi & Mustafa, n.d., p. 92).

Despite these differences, there is near-consensus among scholars that custom and treaties are the primary sources of public international law. Legal rules emerge in response to necessity; if a rule's existence is established through consistent and repeated usage, custom becomes its source. However, if its existence is confirmed through documentation in written agreements or treaties, treaties then become its source (Morsi & Mustafa, n.d., p. 92).

The sources of public international law—whether customary, treaty-based, or derived from general legal principles—form the cornerstone of the international legal system. These sources reflect the evolution of interstate relations and the shared needs of humanity. They enshrine principles of justice and fairness, positioning international law as a mechanism to balance the interests of states while safeguarding human rights on a global scale (Mansour, 1997, p. 80).

### **Natural Law as the Foundation of International Law between Realism and Idealism**

Natural law is commonly understood in contemporary literature as the law of reason. It is sometimes linked to divine law, but rather than being seen as pure theological voluntarism, it is typically regarded as a rational law with divine origins, where reason itself is considered to have divine provenance (Vacura, 2022, p. 609). This foundational understanding of natural law extends to its application in international relations, where it serves as the basis for structuring justice among states.

Natural law refers to a set of rules that should be followed and adhered to by states to achieve justice, considering it the natural and logical foundation of how relations should be structured among members of the international community. According to this definition, natural international law represents an idealized vision of how international legal principles should operate to ensure justice and uphold truth in international relations. Conversely, positive international law reflects the pragmatic realities imposed by states, driven by the conditions and circumstances of international life, regardless of their alignment with principles of justice (Abdel Hamid, 2005).

International law is neither purely idealistic nor purely realistic. It demonstrates ongoing efforts to strike a balance between the two. While this balance may not always be ideal, it reflects attempts to adapt the international system to the complexities of the modern world.

### **Western Theories on the Foundations of International Law**

An analysis of the views of Western scholars on the foundations of international law, as summarized by Gosgerizat (1972), underscores the centrality of natural law in their theories. Verdross highlights that positive law derives its legitimacy from natural law, which is rooted in the immutable characteristics of human nature, balancing idealism and realism. Le Fur identifies justice as the essence of natural law and positions it as the cornerstone of international law, emphasizing its idealistic underpinnings. Redflob integrates these perspectives by describing international law as a synthesis of natural and positive law, with the former offering an ethical framework for practical applications. Samirniadis associates natural law with ethical principles that align with the conscience of the civilized world, showcasing its role in shaping international norms. Lastly, Seibert stresses human reason and dignity—principles derived from natural law—as essential to fostering justice and achieving a balance between idealism and realism in international relations. This synthesis of perspectives illustrates how

natural law functions as a unifying intellectual and moral foundation for bridging idealism and realism in international law.

Together, these scholars, as summarized by Gosgerizat (1972), illustrate the enduring importance of natural law as a foundational concept in international law. By integrating idealistic principles such as justice and human dignity with the pragmatic realities of positive law, natural law bridges the gap between idealism and realism. This synthesis ensures that international law remains adaptable to evolving global challenges while maintaining a moral and rational core.

### **Realism and Idealism in the Practice of International Law**

These legal perspectives show that international law seeks a balance between realism and idealism. While natural law and ethical principles form the ideal foundation for international law, political and economic realities often shape the practical application of these laws. For instance, *realpolitik* and power struggles affect how international law is applied, such as when the use of veto power in the UN Security Council obstructs resolutions. Conversely, idealistic principles such as human rights and justice, enshrined in documents like the United Nations Charter and the Universal Declaration of Human Rights, may face challenges in implementation due to national interests.

Through an examination of legal opinions on the foundations of international law, it is clear that the law strives to find a balance between idealism and realism. Ethical principles and natural law provide the ideal foundation, while political and economic realities influence the practical application of international law. The primary challenge lies in reconciling these two aspects in order to craft a more just and sustainable international legal system.

### **Definition of Public International Law in Islamic Jurisprudence**

Islamic Sharia is considered one of the most advanced legal systems the world has known. It emerged independently, rooted in its principles and foundations, derived from the teachings of Islam and its unique sources. While many ancient legal systems were influenced by Roman law, Islamic Sharia stood out due to its complete independence, being a divine system immune to alteration or change, unlike man-made legal systems (Awda, 1977, p. 275).

"Islamic Sharia is an original legal system, independent and not derived from or modeled after any foreign framework. It has its unique foundations and distinguished history, entirely independent of Roman law" (Al-Majzoub, 2010, p. 11).

This distinction has been affirmed in numerous international conferences and official documents, further solidifying its status as a global legal model with a significant impact on human civilization. The international recognition of the authenticity and independence of Islamic Sharia was established during comparative law conferences, especially the Hague Conference in 1937, and affirmed by Arab delegates in their submissions to the League of Nations in 1939 and the United Nations Conference in San Francisco in 1945 (Sultan & Al-Arian, 1984, p. 23).

These conferences highlighted that Islamic Sharia, along with Islamic civilization, is one of the major patterns of global legal and civilizational frameworks, as referred to in Article Nine of the Statute of the International Court of Justice.

(Al-Majzoub, 2010, p. 11).

Dr. Shukri defines public international law in Islamic jurisprudence as: "A collection of Sharia and conventional rules that regulate the relationship of Muslims with others during times of peace and war" (Sbarini, 2005).

Khudhuri's explanation defines Islamic international law as: "The collection of rules and practices adopted in Islamic relations with other nations" (Al-Ghunaymi, 2015).

Al-Ghunaymi refined this definition by noting its specific focus on the rules governing relations between Islamic states and non-Islamic states, excluding relations between Islamic states themselves. He defined Islamic international law as: "The collection of rules and practices adopted in Islamic relations, as commanded or accepted by Islam in international relations" (Al-Ghunaymi, 2015, p. 37).

### **The Islamic Foundations for Engaging with Public International Law and Its Derivatives**

Public International Law serves as the foundation for a wide range of derivative entities, including laws, organizations, agreements, and institutions that influence international relations and governance. These derivatives play a significant role in shaping global policies and interactions among states. However, from an Islamic perspective, engagement with such derivatives must be guided by principles rooted in Sharia, ensuring that actions align with divine commands and ethical values.

This section explores the Islamic foundations for engaging with Public International Law and its derivatives, focusing on three key principles: affirming and applying the values of peace and security within the framework of Islamic teachings; upholding justice and shared human values; and avoiding the imposition of agendas that conflict with Islamic rulings. Together, these principles provide a balanced and ethical framework for understanding and interacting with the global legal and institutional systems, ensuring that all actions contribute to justice, peace, and adherence to divine guidance.

#### **Affirming and Applying the Principles of Peace and Security Within the Framework of Islamic Teachings**

Islam strives in all its principles to find solutions based on peace and security, establishing partnership in interests, and respecting the bond of human brotherhood, as all of creation was brought into existence by the divine command and will. Thus, it is not permissible to kill a human being except as a consequence of aggression against the Creator's work. Islamic law calls for the pursuit of peace and the resolution of disputes through peaceful means, a principle aligned with the United Nations Charter (Zuhayli, 1997, p. 118), based on many verses from the Qur'an, including:

Allah Almighty says:

'O you who have believed, enter into peace completely and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.' (Surah Al-Baqarah: 208)

'And do not say to one who gives you [a greeting of] peace, "You are not a believer," seeking the goods of worldly life.' (Surah An-Nisa: 94).

"And if they incline to peace, then incline to it [also] and rely upon Allah." (Surah Al-Anfal: 61)

Such principles of international law must be understood within the bounds of Islamic teachings, ensuring that all actions and commitments related to peace and security align with divine commands. Therefore, these actions must remain free from any disobedience to Allah, as emphasized by the Prophet Muhammad (peace be upon him), who said: "There is no obedience to a creature in disobedience to the Creator." This guidance highlights the necessity of resisting pressures or commitments that conflict with Islamic principles while steadfastly upholding justice and righteousness.

#### **➤ Commitment to Justice and Shared Human Values**

Islamic law places great emphasis on justice and human rights, aligning with the fundamental principles of international law in preserving human dignity and protecting individual rights. Islamic teachings encourage fairness in dealings with others, regardless of whether they are Muslims or non-Muslims. As stated in the Quran: **"O you who have believed, be persistently standing firm for Allah, witnesses in justice"** (Al-Ma'idah: 8).

Serving humanitarian causes: "And do good; indeed, Allah loves the doers of good." (Al-Baqarah: 195) and "And We have not sent you, [O Muhammad], except as a mercy to the worlds." (Al-Anbiya: 107)



Additionally, impartiality is a key aspect of Islamic justice, as highlighted in the verse: **"And when you testify, be just, even if [it concerns] a near relative"** (Al-An'am: 152).

All policies that are just and align with the Quran and Sunnah are inherently part of the religion. No one is permitted to deviate from the Islamic governance that adheres to the justice Allah sent His Messenger with. As Ibn Taymiyyah (1969) observed, the implementation of justice as commanded by Allah is an essential element of Islamic governance and society.

#### ➤ **Avoiding the Imposition of Agendas Contrary to Islam**

The principle of avoiding the imposition of agendas contrary to Islam aligns with the Quranic verse: "And do not incline toward those who do wrong, lest you be touched by the Fire" (Hud: 113). This underscores the importance of ensuring that international agreements and commitments do not contradict Islamic rulings.

In this context, the Islamic perspective on politics becomes particularly relevant. Politics is not restricted solely to what is explicitly stated in the religious texts, but it is conditioned by its alignment with Islamic law (Sharia). Islamic politics encompasses all measures and actions that achieve public interest and steer society away from corruption, even if such actions are not explicitly mentioned in the Quran or the Sunnah of the Prophet (peace be upon him), as long as they remain consistent with the general principles of Sharia. For this reason, Ibn Aqil stated that politics consists of actions or measures that bring people closer to righteousness (goodness and uprightness) and keep them away from corruption (evil and deviation), even if such actions are not explicitly prescribed in the Quran or the Sunnah, nor revealed through divine inspiration (Ibn al-Qayyim, 2000, p. 283).

This connection highlights that the pursuit of justice and public interest within an Islamic framework is both a political and ethical imperative, ensuring that all actions and agreements remain firmly grounded in Islamic principles.

## **CONCLUSION**

Public International Law faces significant challenges in achieving justice and peace, as seen in crises such as Gaza and Ukraine. These crises reveal the contradictions between the theoretical principles of international law, such as justice and equality, and its practical reality, which is influenced by political interests and double standards. The effectiveness of international law depends on the consensus of states, but this consensus is often weakened by political and economic pressures, leading to inconsistencies in the application of rules and decisions.

Public International Law also seeks to balance idealism, which is grounded in principles of justice and human rights, with realism, which is driven by political and economic interests. However, this balance remains fragile and presents a significant challenge to achieving its intended goals.

This research emphasizes that despite the fundamental differences between Public International Law and Islamic Sharia, both systems share the importance of strong ethical and practical frameworks to achieve justice and peace. By integrating the ethical guidance of Islamic Sharia with the organizational structures of international law, it is possible to envision a more balanced and just global legal system capable of effectively addressing contemporary challenges.

## **RECOMMENDATION**

This research emphasizes that despite the fundamental differences between Public International Law and Islamic Sharia, both systems share the importance of strong ethical and practical frameworks to achieve justice and peace. It is recommended that policymakers and international organizations actively explore the integration of the ethical guidance of Islamic Sharia with the organizational structures of international law. Such an approach could pave the way for a more balanced and just global legal system, capable of effectively addressing contemporary challenges while fostering mutual understanding and cooperation across diverse legal and cultural frameworks.

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