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Islamic Law and International Law

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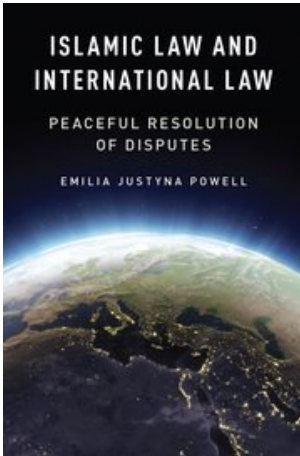
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BOOK REVIEW



Reviewer : Rudi Natamiharja
Title : Islamic Law and International Law
Author : Emilia Justyna Powell
Publisher : Oxford University Press (2019)
Pages : 328

Emilia Justyna Powell's work is an authentic, beautiful, and enlightening presentation of Islamic Law and its worldview with this masterpiece.

Islamic Law and International Law by Emilia Justyna Powell provides an understanding of Islamic Law by examining the attitude of a specific group of States, the Islamic Law States (ILS), towards resolution methods inter-state disputes. The term the Islamic Law States is even, for several times, thoroughly defined by the author.

The first chapter starts with narrowing down most existing definitions of Islamic law and Islamic law state. She concluded that Islamic Law is the “religious law of Islam, with all the cultural attributes associated with societies that practice the Muslims faith” and an Islamic Law State is classified as State “with an identifiable substantial segment of its legal system that is charged with the obligatory implementation of Islamic Law and where Muslims constitute at least 50% of the population.”

The second and subsequent chapters of this book then continue to explore a list of Islamic Law States includes States from different parts of the world (Africa, Middle East, and Asia), where the bond between Islamic Law and secular law in their legal system varies as this bond or connection. Its different variations will play a role in the preferences of Islamic Law States to settle inter-state disputes.

One of the states mentions is Indonesia. In this book, we found 68 ‘Indo-

nesia' words. The book is very relevant to Indonesia as one of the countries classified as an Islamic Law State. Emilia placed Indonesia as an example of a country that implemented Islamic law or adopted Islamic elements into their national legal system (partially). Some provisions by Islam religious background and some Indonesian provinces implementing Islamic Sharia make Indonesia one of the states that can be classified into the Islamic Law States (ILS).

However, although Indonesia is a country with an immense Muslim population majority, it will be a vast debate if an Islamic state emerges. Even in Indonesia's history, as the Founder of this country, Bung Hatta did not want the issue of the Islamic state to emerge in Indonesia. He thought that it would hurt the struggles of Indonesian non-Muslims who had contributed to Indonesian independence. This idea of Bung Hatta turns out is crystallized into *Bhinneka Tunggal Ika* (Unity in Diversity) as the foundation of the philosophy of life in Indonesia appears to strengthen the differences in Indonesia, including religious differences as sensitive elements.

From the first impression, this book seems written by an Islamic religion expert or the collaboration between Islamic experts and international law or secular law experts (terms known in that book). Turns out, my thought was wrong. This book was written by a non-Muslim author who understands Islam's life (through her direct field research) and shows how Islamic law is enforced in various Islamic countries (Islamic Law State). I think this is excellent. I may not be attracted to read Islamic law books from Islamic religious experts' perspectives, and it is because these authors will have subjectivity 'pro' towards Islamic law. However, with this book, I find it interesting because it contains things that I do not expect.

I wrote about Islamic law once when I finished my bachelor thesis, and many other Indonesian Muslims have explained through various languages and perspective. Nevertheless, it is expected as a Muslim who wrote about Islam, ordinary and nothing special. However, as a non-Muslim, you have acknowledged (through personal research as you write in your paper) the contribution of Islam in the international world, the position of Islamic law in the international legal system, the viewpoint of Islamic experts towards international law, and I have to say that it was impressive.

It has made a significant contribution to strengthening the recognition of the international community in Islamic law. As we know, currently, Islamic law is underestimated and misjudged by western essays. It was based on my experienced when I have studied law in France. Perhaps, If I may represent my friends and most Muslims in Indonesia, we sense a remarkable power

given by this book about Islam's existence in international relations.

In 2008, I took a master's program in France, and then in the second year, I thought that Islamic law does not have universality value and is not aligned with international law. For example, in a seminar on slavery, the speaker from Mauritania, a country with a Muslim majority, holds a pro-Islamic view of slavery as the Qur'an legalizes slavery. Nevertheless, when I spoke a different view, I got a negative response at that moment. France also released policies such as unseeing the positive side of Islamic values. The similarity and superiority of Islamic law are not raised. To show you what I mean is how you give the confession about the veil in Islam as a different view by a jurist or legal expert. This is an extraordinary breakthrough that should be appreciated. I hope this book will open up the insights of countries that closed the door on the existence of universal Islamic values. This book shows that Islamic values are not entirely different from international law, and some Islamic values have appeared and been adopted by international law.

On the theme of question, Powell returns throughout the book to the importance of knowing a massive challenge for Muslims throughout the world. It is to acquire the recognition of Islamic law as a universal value to become international law. As stated in the book, there are different Mazhab or Islamic thought (doctrine) in each region. In Indonesia, on terms of establishing uniformity of Islamic rules is a significant challenge. For example, there are two large factions in determining the beginning and end of Ramadhan. Another challenge is the feeling of distressing as a Muslim. For instance, when the Organization of Islamic Cooperation (IOC), with 53 members, as the largest Islamic organization, cannot initiate this and bringing more attention is a concern to economic and political affairs, but ignores the field of law.

The brilliant language instantly conveyed lecturer into the world, but several points the author needs to add. The classification of the Islamic state by Emilia needs to be more specific. The state that declares itself as an Islamic state in its constitution and the state with a Muslim majority but not declared as an Islamic state is no gap compared between the 21 other countries. A simple illustration is that we cannot compare why there are no female judges in Saudi Arabia because sharia law bans women from participating in public life whereas in some other countries, including Indonesia, permitted to woman in the judicial position.

In making a case for the Peaceful Resolution of Disputes based on Islamic Law and International Law, the author left wishing for more than she gave. The excellent approach toward this issue she describes both require and allows the reader to learn more.