



## Inclusiveness of Diplomatic Immunity in Islamic View

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### **Abstract**

This study aims to determine how inclusive diplomatic immunity in the view of Islam. The object of research is Islamic law, namely the Qur'an, As Sunnah and the consistent practice of Muslim heads of state. The data sources for this research are surveys and observations. The assessment of diplomatic immunity problems was analyzed using NVivo 12 Plus and VOS viewer to document and analyze the data systematically. The results of the study show the inclusiveness of diplomatic immunity which has been discussed before the western view. it has formulated strong foundations and rules to protect diplomats from harm and murder. Other privileges such as freedom of movement and communication, protection of diplomatic bag and courier, inviolability. Islamic law has emphasized the importance of fulfilling obligations under an agreement and not deviate from the spirit of Sharia.

**Keywords:** *Inclusiveness; Immunity; Diplomat*

### **Introduction**

Immunity is very necessary in the realization of the duties of a diplomat whose existence is highly protected both by the country itself and in the country of destination. Security which is an exclusive right that must be accepted by ambassadors of countries such as personal security such as property as a place to live or multifaceted office facilities. The existence of a link from the historical track record of the laws applied in Islam is also very closely related to the diplomatic immunity that exists in the current artificial era. The chronology of the protection of a diplomat on duty is a bias from the protectionism of religious leaders based on the realization of general welfare and in accordance with the recommendations made by the Prophet SAW by fiqh experts in the Middle Ages. At the time of Rasulullah's glory, of course the ambassadors or representative figures were very protective of the envoys who were sent to other regions as well as when they received diplomatic envoys from various regions in the world. In other words, the term used to represent a country can be referred to as a sapphire or an apostle at the time of the Prophet's triumph and is currently said to be an ambassador for a country. Some of the obligations that can be carried out by ambassadors are prisoners who must be released, agreements produced as result of negotiations, and coronation ceremonies that require each state envoy to attend. In other words, the term used to represent a country can be referred to as a sapphire or an apostle at the time of the Prophet's triumph and is currently said to be an ambassador for a country. Some of the obligations that can be carried out by ambassadors are prisoners who must be released, agreements produced as result of negotiations, and coronation ceremonies that require each state envoy to attend. In other words, the term used to represent a country can be referred to as a sapphire or an apostle at the time of the Prophet's

triumph and is currently said to be an ambassador for a country. Some of the obligations that can be carried out by ambassadors are prisoners who must be released, agreements produced as result of negotiations, and coronation ceremonies that require each state envoy to attend.

Immunity of law that exists in the paradigm of Islamic law also has to do with automatic granting to ambassadors in administrative matters such as travel documents and security in a special scope. On the other hand, the obligation of the state for all people in each country in the world who must contribute to the continuity of development in the form of taxes is also an exception for ambassadors in addition to things that incidentally have nothing to do with military duties such as the personal business of the ambassadors in the country of origin. and country of destination. As an illustration, the implications of the existence of this system can be concluded from the Umayyad Dynasty in the era (661-750 AD) which is still sustainable today. The intensity of the practice of protecting the ambassadors also continued during the Abbasid dynasty (749-1258 AD), also took place during the Fathimiyah dynasty (909-1171 AD) and the last manifestation of protectionism was in the Mamluk dynasty (1254-1517). Destinations of state duties carried out by the existing ambassadors were aimed at countries in East Asia, Europe and Central Asia and dominated in terms of the quantity of the presence of the ambassadors.

The existence of a capitulation regime that was applied in the heyday of Islam in the 18th century was the first spearhead of the commercialization of treaties against Western countries for impunity, namely in the form of criminalization which correlates with jurisdiction. In the implementation of the Vienna Convention, it is also a bad impression of the expansion of the meaning of immunity which has an impact on Muslim countries, which in the end the elimination of the capitulation system in the 1940s. After periods of time, namely in the 1960s, most of Muslim countries finally agreed to the context of the embodiment of the Vienna Convention which specifically focused on the point of responsibility for the safety of the ambassador.

## Literature Review

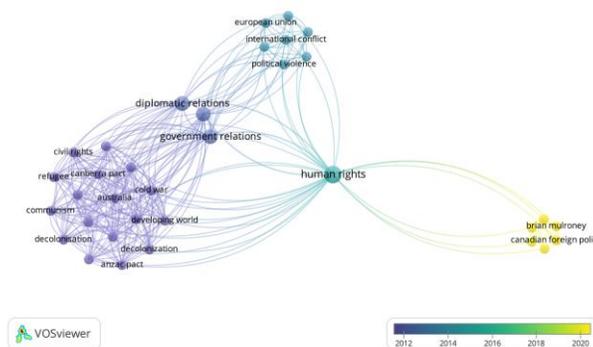


Figure.1 Analysis of diplomatic immunity articles

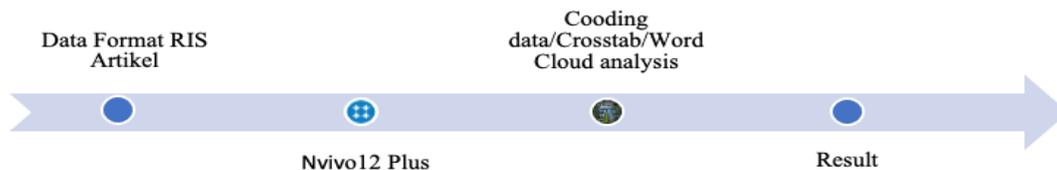
Following are the results of the analysis of a collection of articles related to the issue of diplomatic immunity from 2012 to 2020, there are several issues that discuss *human rights*, *political violence*, *diplomatic relations*, and *foreign policy* from the results of this analysis. The author interested in discussing the issue of diplomatic immunity from an Islamic point of view and concluded whether Islamic law is currently inclusive in discussing diplomatic immunity. The author also sees the image branding that doesn't seem good in the history of diplomatic events in the international political arena who think that there is an element of dishonesty in speaking that is so shrewd as has been described by Prof. Dr. Tulus Warsito there is a phenomenon of terminology from the "Classical Adage" which is attached to diplomats to achieve the national interests that exist in a country even though they have to lie (Warsito,T. and Surwandono, 2015 :114) . The collective agreement that exists in the Western world and was agreed in 1961 at the Vienna Convention has become a reference for countries in the modern

Western world. It is different with the diversification paradigm which is so contrasting between Islamic diplomacy and western diplomacy after the experience-oriented view by Dr. Afdzal Iqbal in the book *Diplomacy in Early Islam*. The bad action in the diplomatic process that was echoed by Szillasy until 1716 was the ban. The diplomatic act by setting aside the truth by deceiving was promoted by Monsiour De Callierers and straightened out the wrong paradigm (Iqbal,A.,2007 :98-99)

The author is so impressed to explore the benchmark of diplomatic immunity which is based on an instrument from an Islamic perspective. The author also questions about how Islam responds to the context of diplomatic immunity and its relation to contemporary diplomacy which is rooted in today.

### Research Methods

This study uses a qualitative method. The focus of this research is the inclusiveness of diplomatic immunity in the view of Islam. Data related to diplomatic immunity was analysed using NVivo 12 Plus by coding 500 words to get maximum results. The data was obtained from a collection of articles related to diplomatic immunity, then the results of the choice of words were visualized into a word cloud in the form of images, the results of the visualization were then described referring to the words that appear a lot in the word cloud. To see data on diplomatic immunity problems, it is simply analysed using the VOS viewer application, sample data were taken from 50 articles starting from 2012-2021 indexed by the Scopus journal, after which they were explained according to the words that appeared by looking at the cases in the articles that had been analysed.



### Results and Discussion

#### 3.1 Diplomatic Immunity Problem

During 1968-1969, United Nations (UN) members, meeting on the General Assembly Legal Committee, negotiated the Special Missions Convention, sometimes known as the New York Convention, establishing privileges and immunities from the increasing number of AD hoc embassies passing through between states. This treaty follows the 1961 Vienna Convention on Diplomatic Relations, which establishes the privileges and immunities of permanent embassy, and is part of a process in which the United Nations seeks to clarify the status and rights of official representation, so that diplomacy can function with greater security and certainty (Young, John W. 2014: 171–88).

The problem that occurs is the opening case *Diplomatic Bag* China by the United States, quoted from Chinese Ministry of Foreign Affairs (MFA) spokesman Wang Wenbin It was stated that the United States had twice opened China's diplomatic bag or diplomatic courier without permission in July 2018 and January 2020, which the spokesman for the Chinese Ministry of Foreign Affairs stated at the time that it was a serious violation of China's diplomatic dignity and security interests. The opening of this diplomatic bag was not denied by the United States, but in its clarification the United States mentioned various technical reasons that caused the United States to avoid responsibility for the violations it had done to China's diplomatic bag.

The United States also forced China to close its consulate general in Houston within 72 hours. It is known that the Chinese Consulate General or Consul General in Houston is the first Chinese Consul



### 3.2 Diplomatic Immunity in Islam

The practice of granting diplomatic immunity is thousands of years old (Morris, WG. 2007: 36). Historians acknowledge that the practice of immunity was common in various countries in ancient times, from classical Greece and Rome to the near and far east, including ancient Babylon, Egypt, Israel, India, and China (David, 2001). Kurizaki traces the development of diplomacy throughout history, from Amarna diplomacy in the ancient Near East, to Greek, Roman, Byzantine, and French diplomacy in the 17th and 18th centuries (Kurizaki, 2011).

Indeed, diplomatic relations in Islam date back to the early days of Islam, as evidenced in the Qur'an Surah Al-Hujurat 49:13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"O mankind, indeed We have created you from a male and a female and made you into nations and tribes so that you may know one another. Verily, the most honorable of you in the sight of Allah is the most pious of you. Verily, Allah is All-Knowing, All-Knowing."

Various theories have been put forward to explain the concept of diplomatic immunity. The most prominent of these theories are the theory of personal representation, extraterritoriality and functional necessity. (Abba, & Safiyanu, 2020: 111-124)

According to Ismail, what appears dominant as a legal basis for the practice of diplomatic immunity under Islamic international law is the theory of functional needs. DiRe: General Notice of Islamization Act No. 3 of 1983 Federal Sharia Court of Pakistan quotes a Hanafi jurist, Sarakhshi, as saying "if a person claims to be an envoy and has the necessary credentials, he will be granted immunity until the completion of his ambassadorial duties and until he return (Ismail, 2013: 60-101). "Zawati conveyed that in order to enable them to carry out their duties and functions, diplomatic agents must enjoy full personal immunity under Islamic international law (Zawati, 2001).

However, some elements of personal representation theory cannot be completely ruled out under Islamic law. Ibn Ali states that "any treatment given to an ambassador, good or bad, is as if it were done to the king who sent him, and kings always show the greatest respect for one another (Ali, H. 2002)." This implies that since diplomatic envoys are representatives of their rulers, diplomatic immunity should be granted to them.

The principles of diplomatic immunity derive their legal authority from the two main sources of Islamic law, namely the Qur'an and the Sunnah. Moreover, and as a secondary source, the consistent practice of Muslim heads of state also clearly establishes the privileges and immunities of diplomats in Islamic law and practice. These sources are discussed below;

#### Al-Qur'an

In the verses of the Qur'an containing several concepts of diplomatic immunity, the Qur'an explicitly provides in the following verses:

Qs. Al-Maidah (5:1)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ ۗ

"O you who believe, fulfill [all] contracts..."

Tafsir Al-Muyassar or the Ministry of Religion of Saudi Arabia; O you who believe in Allah and His Messenger and carry out His Shari'a, complete the confirmed covenants of Allah, in the form of faith in the teachings of the Shari'a religion and submission to them. And fulfill the agreement of some clients over others in the form of mandates, buying and selling and other contracts that do not conflict with the Book of Allah and the Sunnah of His Messenger, Muhammad. Indeed, Allah has made lawful for your livestock, such as camels, cows and goats, except what has been explained to you, namely the prohibition of carrion, blood, etc., and the prohibition of game animals when you are in ihram. Verily, Allah determines whatever law He wills according to His wisdom and justice.

Tafsir Al-Madinah Al-Munawwarah Markaz Ta'dzhim al-Qur'an under the supervision of Sheikh Prof. Dr. Imad Zuhair Hafidz, professor of al-Qur'an faculty at the Islamic University of Medina; The first call in this surah invites believers to fulfill every akaf. And these contracts include every contract that Allah makes to His servants and the laws that are set for them, and every contract made between fellow servants such as trust contracts, buying and selling, and other contracts permitted by law. sharia. And as part of the mercy and ease that Allah gives to His servants, He makes lawful for them everything that contains goodness and benefits, such as camels, cows, goats, sheep and similar animals can be grazed; all that is lawful for them except those who are exempt from Allah, as the prohibition of hunting for people who are performing ihram hajj, umrah, or both even though the hunt is carried out outside the holy land. The closing of this verse is used as an affirmation of the law that has been mentioned. Allah is the Creator and Owner of all things, no one can go against His laws and reject His decrees.

Qs. An-Nahl (16:91)

وَأَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْإِيمَانَ بَعْدَ تَوْكِيدِهَا وَقَدْ جَعَلْتُمُ  
اللَّهُ عَلَيْكُمْ كَفِيلًا إِنَّ اللَّهَ يَعْلَمُ مَا تَفْعَلُونَ

"And keep your promise with Allah when you promise and do not break the oath after it has been made, while you have taken Allah as your witness (against the oath). Verily Allah knows what you do."

Allah commands the Muslims to obey their covenant with Allah when they have made that promise. According to this verse, all covenants made with one's own will must be fulfilled, whether the agreement is among Muslims or against people outside Islam. Allah SWT., prohibits breaking the oath that has been uttered by using the name of Allah. Because in that oath, Allah has been placed as a witness, (Zaini, 1991:454).

According to Quraish Shihab, what is meant by *tanqudh/cancel* is doing something that is contrary to the content of the oath/promise (Shihab, 2002:704).

*Bi'ahdAllāh* God's covenant in the context of this verse, among others, even especially is the bai'at that they pledged before the Prophet Muhammad, not to associate partners with Allah SWT, and not to violate the commands of the Prophet SAW, which resulted in them disobeying. Promises or oaths that use the name of Allah which contain such content are often carried out by the companions of the Prophet SAW, since they were still in Mecca before emigrating. Indeed, the editorial of this verse includes all kinds of promises and oaths and is addressed to whoever and wherever they are (Shihab, 2002:705).

Qs. At-Taubah (9:4)

إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُضُوا شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ  
أَحَدًا فَاتِمُّوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ

"Except the polytheists who have made an agreement with you, and they do not reduce (the content of the agreement) in the slightest and do not (also) help anyone who is hostile to you, then against them fulfill their promise until the time limit. Indeed, Allah loves those who are pious."

Qs. At-Taubah (9:7)

كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ  
الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ

"How can there be a (safe) agreement with Allah and His Messenger with the polytheists, except with those with whom you have made an agreement (with them) near the Masjidil Haram (Hudaibiyah), so if they are honest with you, let them you are honest (too) with them. Indeed, Allah loves those who are pious."

Thus, according to Islamic law, the obligation to fulfill all agreements when signed is strict as highlighted in the above verses. In practice, no source of public international law can compare with the attitude of the Qur'an as a whole. This is because it is self-conductive. This means its rules, principles and obligations require no authorization and are automatically applied in relevant situations by those loyal to its inspiration. It has the virtues of self-conductivity, self-adaptation, self-confirmation, self-applicability, and self-enforcement.

### As-Sunnah

Sunnah is the behavior, collection of sayings and decisions of the Prophet of Islam regarding different situations (Malekian, 2011: 63-82). There are several verses in the Qur'an that oblige all Muslims to follow the behavior, manners and decisions of the prophet. For example in Qs. An-Nisa (4:59):

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِنْ  
تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ  
الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

"O you who believe! Obey Allah and obey the Messenger (Muhammad), and Ulil Amri (holders of power) among you. Then, if you disagree about something, then return it to Allah (the Qur'an) and the Messenger (his Sunnah), if you believe in Allah and the Last Day. That is more important (for you) and better as a result."

In the book of Tafsir Al-Adzim volume III by Ibn Kathir, this verse explains that Allah SWT makes obedience to the leader third after obedience to Allah SWT and His Messenger. However, for the leader here it does not come with the lafazdz "obey" because obedience to the leader is a follow-up to obedience to Allah SWT and the Messenger. His. This means that if a leader does not order to do disobedience to Allah SWT and His Messenger, it is obligatory to obey and listen to a leader.

Os. Al-Anfal (8:1 and 24)

يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ فَاتَّقُوا اللَّهَ وَأَصْلِحُوا ذَاتَ بَيْنِكُمْ وَأَطِيعُوا اللَّهَ  
وَرَسُولَهُ إِنْ كُنْتُمْ مُؤْمِنِينَ

"They ask you (Muhammad) about (the distribution of) the spoils of war. Say, "The spoils of war

belong to Allah and the Messenger (according to the provisions of Allah and His Messenger), so fear Allah and improve relations between yourselves, and obey Allah and His Messenger if you are believers."

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ وَاعْلَمُوا أَنَّ اللَّهَ يَحُولُ بَيْنَ  
الْمَرْءِ وَقَلْبِهِ وَأَنَّهُ إِلَيْهِ تُحْشَرُونَ

"O you who believe! Fulfill the call of Allah and the Messenger, when he calls you to something that gives life to you and know that Allah limits man and his heart and indeed to Him you will be gathered."

And there are many other verses that imply the importance of the Sunnah as the source of Islamic international law. Furthermore, this source of Islamic law contributed to the practical development of religious principles during the early revelations of Islam and consequently the establishment of Qur'anic principles between various Arab clans and groups (Guillaume, 1924). Thus, it is based on the Sunnah that the practice of diplomatic relations, including immunity, is interpreted, regulated, and applied. According to historical records, Prophet Muhammad (PBUH) sent different envoys to various places including Makkah, Byzantium, Egypt, Persia, and Ethiopia either for religious or political reasons. He also warmly received delegations and diplomatic envoys at his mosque at the place designated as Ustuwanaat al-Wufuud (pillar of the embassy) (Zawati, 2001).

Malekian argued that the Sunnah in Islamic international law can be compared with customary international law. This is because the Sunnah is the customs and habits of Muhammad's life. Likewise, customs in international law are habits that have long been practiced by subjects of international law and have never been rejected as a rule in the system. Both are consequences of repetition. The main difference between these two cultural systems, however, is that the former is largely derived from the constitution of Islamic law and consequently based on its own legal philosophy, whereas the latter has basically been developed from political considerations and has been accepted by the state as a binding obligatory rule in law. their international relations (Malekian, 2011: 63-82).

### Consistency of Muslim Heads of State

Today, Muslim countries have generally come together under the Organization of Islamic Cooperation (OIC) (formerly the Organization of the Islamic Conference), which currently consists of 57 member states, to recognize the immunity of each country's diplomatic personnel under the 1976 Convention on Immunity and Immunity and OIC privileges. This is in addition to the member states that signed the 1961 VCDR and 1963 VCCR.

Taken from two main sources, the generality of Muslim heads of state (Caliphates, Sultans and current heads of Muslim states) also recognize and establish diplomatic protections and immunities in their international transactions. The clear instructions from Abu-Bakr (632-634 AD), the first caliph after the Prophet Muhammad (pbuh), to Yazid bin Abi Sufyan that "if messengers of the enemy come to you, treat them with hospitality" shows the extent to which the Prophet's companions understood the diplomatic privileges (Arjoun, 1981). In fact, the era of the first four caliphs, otherwise known as the guided caliphs (632-661 AD), witnessed an extraordinary exchange of emissaries between Muslim and non-Muslim countries. For example, the year 651 AD also records the sending of a Muslim mission led by Sa'd ibn Abi Waqqas to the Emperor of China, Gaozong of Tang, under the overall leadership of Uthman Ibn 'Affan (579-656 AD), the third caliph (Lipman, 1998). The Umayyad and Abbasid dynasties are both noted to have reached the pinnacle of sophistication in their diplomatic relations with neighboring Kingdoms. Muawiyah Ibn Abi Sufyan (602-680 AD), an Umayyad Caliph, was known for

his preference for diplomatic methods which has been observed as the reason behind the longevity of his reign (Istanbuli, 2001).

Islamic law recognizes and guarantees other principles of diplomatic immunity which may be necessary for the effective transaction of diplomatic matters. It is based on the jurisprudential principle of Islamic law that nothing shall be deemed prohibited unless it is categorically stated as such in an ill-fated and explicit voice (i.e. a clear Quranic verse or authentic hadith of the Prophet) from Allah (Al-Qaradawi, 2001). Moreover, the Qur'an has emphasized on the sanctity of treaties and agreements made by Muslim countries. So, today, since most Muslim countries today are signatories to various international treaties such as the 1961 VCDR and the 1963 VCCR, other principles of diplomatic immunity such as freedom of movement, freedom of communication, protection of diplomatic bags and couriers, tax exemption, and diplomatic missions and inviolability of archives is equally guaranteed under Islamic law.

### **Conclusion**

International law today, can be seen as very similar to the principle of Islamic diplomatic immunity, which has been established since the 7th Century. Furthermore, other protections/privileges such as freedom of movement, protection of diplomatic bags and couriers, freedom of communication, inviolability of the mission archives and inviolability of the place of mission and personal residence, although not explicitly mentioned in the main sources of Islamic law, it is covered by the principle of Islamic law that anything that is not specifically prohibited either in the Qur'an or in the Sunnah will be considered permissible. Furthermore, Islamic law has emphasized the importance of fulfilling obligations under a treaty (whether with a Muslim or non-Muslim country) if the terms of the agreement do not deviate from the spirit of Sharia.

### **References**

- Afzal Iqbal, *Islamic Diplomacy*, Jakarta: Al Kautsar Library: (2007).
- Al-Qaradawi, Y. (2001). *What is halal and what is forbidden in Islam (Al-Halal Wal-Haram Fil Islam)*. Al-Falah Foundation, Cairo.
- Arjoun, SI (1981). *Khalid bin Walid*. Jeddah: Al-Dar Al-Saudiah.
- Dahlan, Zaini et al. *The Qur'an and its Tafsir Volume V Juz 13-14-15*. Yogyakarta: PT. Bhakti Waqf Fund, (1991).
- David, JB (2001). *International Law in Antiquity*. Cambridge University Press, Cambridge.
- <https://tafsirweb.com/1885-surat-al-maidah-ayat-1.html>. Accessed on December 10, (2021), at 20.00.
- <https://voi.id/berita/9427/kantong-diplomatik-benda-yang-make-relations-china-dan-as-china-dan-as-getting-hot>.
- <https://www.antaranews.com/berita/1630206/as-dituduh-buka-kantong-diplomatik-china-beijing-prepared-aksi-replies>.
- Ibn Ali, H. (2002). *Government Book or Government Regulation* (Darke H. Trans.). Persian Heritage Foundation, London. (Original work published 1960).
- Ibn Kathir, *Tafsir Ibn Kathir (Tafsir Al-Qur'anul Azim)*, Jakarta: Imam Ash-Shafii's library, 2010.

- Ismail, MBA (2013). Justification and the Principle of Diplomatic Immunity: A Comparison between Islamic International Law and International Law. *Journal of Islamic State Practices in International Law*, 9(1), p. 60-101.
- Istanbuli, Y. (2001). *Diplomacy and the practice of diplomacy in the early Islamic era*. Karachi: Oxford University Press.
- Kurizaki, SA (2011). *Natural History of Diplomacy; When Diplomacy Works*. I University, Texas.
- Lipman, JN (1998). *Familiar Foreigners: The History of Muslims in Northwest China*. Washington: The University of Washington Press.
- Malekian, F. (2011). Islamic International Law Resources. In *Islamic Principles of International Criminal Law: Comparative Search* (pp. 63-82). Leiden; Boston: Brill. Accessed 10 December 2021, from <http://www.jstor.org/stable/10.1163/j.ctt1w8h3dt.9>.
- Morris, WG (2007). Constitutional Solutions to the Problem of Diplomatic Crime and Immunity. *Hofstra's Legal Review*, 36(2). Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol36/iss2/19>.
- Shihab, M. Quraish. *Tafsir Al-Mishbah Volume 6*. Jakarta: Lentera Hati, 2002.
- Stewart, David P. (2013). *The Foreign Sovereign Immunities Act: A Guide for Judges*. Federal Judicial Center: Washington DC.
- Tulus Warsito and Surwandono, *Tauqifiyah Journal, Clean Diplomacy” In Islamic Perspective*, Vol. 16, No. 2, December (2015).
- Without a name. Holy see's press office communique (15.09.2017) Accessed from <http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2017/09/15/holy-see-press-office-communique.html> on December 10, 2021, at 20.00.
- Young, John W. (2014). “The United Kingdom and the Negotiation of the 1969 New York Convention on Special Missions.” *International History Review* 36(1): 171–88.
- Zawati, HM (2001). *Is Jihad a Just War? War, Peace and Human Rights Under Islam and Public International Law*. Lewiston and New York: Edwin Mellen Press.

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