

The Islamic Legal Construction on Global Peace: An Integrative Study of Maqāṣid al-Syārī'ah and the United Nations Charter

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Abstract

In a world that is constantly being shaped by armed conflicts and geopolitical instability, there is an increasingly urgent need for a legal framework that can support global peace. The United Nations (UN) Charter has long formed the basis of international law, promoting peace and preventing aggression. However, its effectiveness is often hindered by various structural limitations, such as power imbalances and weak enforcement of sanctions. Against this backdrop, maqāṣid al-syārī'ah, the core of Islamic legal theory, can make a significant contribution as both an ethical-religious instrument for Muslims and a universal paradigm to reinforce the spirit and structure of the UN Charter. This article aims to construct an Islamic legal framework for global peace by taking an integrative approach to maqāṣid al-syārī'ah and the principles of international law set out in the UN Charter. It will be compared with classical and contemporary fiqh siyasah. A normative-comparative methodology is employed, analysing primary sources such as the works of Ali Haidar and Yusuf al-Qaradawi, alongside case studies of global conflicts in various regions, including Palestine–Israel, Syria, Ukraine, and Yemen. The results of the study show that maqāṣid al-shārī'ah, with its core values of hifẓ al-nafs (protection of life), al-'adl (justice), and al-silm (peace), aligns with the principles of the UN Charter and can provide an ethical and spiritual dimension largely absent from modern international law. Unlike fiqh siyasah, the UN Charter prioritizes formal legality, whereas Islamic law emphasizes moral legitimacy and substantive justice. The article concludes that integrating maqāṣid al-syārī'ah into global peace law discourse could enrich global civilisation with a more humane, inclusive and transnational approach.

Keywords: *Maqāṣid al-Shārī'ah, UN Charter, Global Peace, Islamic Law, Integration of Values.*

Introduction

The recurring armed conflicts across various parts of the world highlight the failure of the international peace system. For instance, as of June 30, 2025, there have been 47,695 civilian casualties recorded in the Russia–Ukraine war—13,580 dead and 34,115 injured—according to OHCHR data,

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with the actual figures likely being higher.¹ In the Middle East, Israel's military aggression against Gaza, which escalated since October 2023, has resulted in at least 44,786 Palestinian deaths by December 10, 2024, including thousands of children and women, and has caused over 380,000 refugees to seek shelter in UNRWA facilities.² Meanwhile, the Syrian civil war, ongoing since 2011, has claimed around 306,887 civilian lives by 2021, according to OHCHR reports.³ These series of humanitarian crises reflect a fundamental failure of the global legal order in preventing aggression and crimes against humanity. This data strengthens the argument that the UN Charter, as the foundation of international law, often proves ineffective in halting atrocities and protecting vulnerable civilians.

Although the United Nations (UN) Charter has served as the foundation of international law since 1945, its implementation in conflict resolution often encounters structural limitations rather than normative deficiencies. The Charter itself enshrines fundamental principles—such as the prohibition of aggression, respect for sovereignty, and collective security—that remain universally valid. However, the institutional mechanism of the Security Council, particularly the veto power granted to its five permanent members, frequently paralyzes these principles in practice. The veto system has allowed dominant powers to obstruct resolutions that challenge their geopolitical interests, even when clear violations of international humanitarian law occur. For instance, in the case of Israel's military operations in Gaza, the United States has exercised its veto over forty times since 1972 to block resolutions critical of Israel's actions (Security Council Report, 2023; Al Jazeera, 2023). This situation indicates not the failure of international law as a normative framework, but rather its politicization and unequal enforcement. Therefore, what is urgently required is not to abandon international law, but to reconstruct its ethical foundation and moral legitimacy through an integrative framework—such as *maqāṣid al-syarī‘ah*—that can complement the UN Charter with spiritual and humanitarian dimensions, ensuring justice that transcends political interest.

Secular international law often proves inadequate in addressing the humanitarian suffering caused by armed conflicts, primarily because its approach tends to focus more on legal-formal procedures rather than on moral and spiritual dimensions. For instance, the international legal response to the genocide in Rwanda (1994) and the massacre in Srebrenica (1995) has been deemed slow and ineffective, failing to prevent the massive loss of life.⁴ Moreover, the failure of the UN Security Council to pass crucial resolutions due to the veto power of superpower nations has exacerbated humanitarian crises, as seen in the conflicts in Syria and Palestine.⁵ In this context, there is an urgent need to explore alternative legal frameworks that not only rely on legal principles but also uphold universal moral values derived from spiritual ethics—such as principles of substantive justice, protection of life, and the welfare of humanity, as emphasized in many major religious traditions, including Islam.

¹ Bojan Pancevski, "One Million Are Now Dead or Injured in the Russia-Ukraine War," The Wall Street Journal, 2024, <https://www.wsj.com/world/one-million-are-now-dead-or-injured-in-the-russia-ukraine-war-b09d04e5>.

² "UNRWA Situation Report #151 on the Humanitarian Crisis in the Gaza Strip and the West Bank, Including East Jerusalem," UNRWA, 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-151-situation-gaza-strip-and-west-bank-including-east-jerusalem?utm>.

³ Amer Al-Mohibany, "Syria: Decade of Brutal War Left Nearly 307,000 Civilians Dead," United Nations, 2022, <https://news.un.org/en/story/2022/06/1121532?utm>; Jamey Keaten, "UN: More than 300,000 Civilians Killed in Syria's Conflict," AP News, 2022, <https://apnews.com/article/middle-east-africa-syria-united-nations-civil-wars-fd6b36f3bb1c1eb540ac61ab54400528?utm>.

⁴ United Nations. Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda. New York: United Nations, 1999.

⁵ Weiss, Thomas G. 2016. What's Wrong with the United Nations and How to Fix It. 3rd ed. Cambridge, UK: Polity Press.

Maqāṣid al-Syarī'ah, as the philosophy of Islamic law focused on protecting five core objectives—religion (hifz al-dīn), life (hifz al-nafs), intellect (hifz al-‘aql), lineage (hifz al-nasl), and property (hifz al-māl)—provides a strong and applicable normative framework in responding to the complexities of global conflicts and humanitarian crises.⁶ Unlike the legal-formal approach in conventional international law, which is often procedural, maqāṣid emphasizes the substance of justice, welfare, and respect for human dignity as fundamental principles of Sharia (Kamali, 2006). This approach has been proposed in various international forums as an alternative paradigm in global public policy, particularly in conflict resolution and sustainable development issues. For example, in the report Islamic Views on Peace and Conflict Resolution published by the United States Institute of Peace, maqāṣid was seen as capable of bridging Islamic spiritual values with modern international legal principles in the context of reconciliation and transnational peace (Abu-Nimer, 2003). Therefore, maqāṣid is not only important as a theological value but also as an ethical foundation that can enrich the global discourse on justice and humanity.

In Al-Mustasfa fi ‘Ilm al-Usul, Imam al-Ghazali affirms that the primary goal of Sharia is maslahah (welfare) for humanity. The five essential principles to be preserved in Sharia are religion (hifz al-dīn), life (hifz al-nafs), intellect (hifz al-‘aql), lineage (hifz al-nasl), and property (hifz al-māl). This concept of maqāṣid has been understood since the 11th century and serves as a foundation for the protection of human rights and peace, such as the protection of life, which aligns with efforts to prevent war.

In Al-Muwāfaqāt fi Usul al-Sharī'ah, Abu Ishaq al-Shatibi defines maqāṣid al-syarī'ah as the achievement of goodness, welfare, benefit, and the prevention of harm or evil for humanity. Al-Shatibi reminds us that Islamic law should prioritize the substance of welfare, not just textual formalities. This quotation is highly relevant in emphasizing that the essence of Sharia is to promote virtue and prevent harm, which, in turn, supports the creation of peace. In contemporary studies, Muhammad Abu Zahra mentioned that Islamic Sharia is fundamentally a mercy for humanity with three main goals: personal development, the establishment of justice, and the realization of welfare. This reference provides a modern foundation that global peace can be achieved if Sharia is applied to form morally upright individuals, a just society, and a beneficial system.

The concept of maqāṣid al-syarī'ah has experienced a resurgence in the 20th century, partly due to the contributions of Muhammad al-Ṭāhir Ibn ‘Āshūr (d. 1973), who emphasized the importance of applying maqāṣid in a contextual and relevant manner to the needs of the time. Modern scholars such as Mohammad Hashim Kamali, Jasser Auda, and Tariq Ramadan have further developed the maqāṣid approach in contemporary Islamic law. These references are crucial in demonstrating that the study of maqāṣid continues to evolve and remains relevant to current global challenges.

Several previous studies have discussed the relevance of maqāṣid al-syarī'ah in the context of humanitarianism and global governance, but they tend not to explicitly formulate an alternative to the failures of secular international law in addressing contemporary geopolitical conflicts. Jasser Auda (2008), for example, developed a systemic approach to maqāṣid that is multidimensional, encompassing spiritual, social, political, and ecological aspects, and emphasizing the importance of contextuality in its application in global policy.⁷ Yusuf al-Qaradawi (2006) also highlighted the need to establish maqāṣid

⁶ Auda, Jasser. 2008. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: The International Institute of Islamic Thought (IIIT).

⁷ Auda, Jasser. 2008. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: The International Institute of Islamic Thought (IIIT).

as the foundation in the formation of public and international law, to ensure substantive justice for global societies across religions and nations.⁸ Meanwhile, Ali Haidar (2015) in his research stated that *maqāṣid* has the potential to become the conceptual foundation for Islamic diplomacy that prioritizes non-aggression, social justice, and peaceful resolution of international conflicts. However, these three studies have yet to explicitly bridge *maqāṣid* with contemporary international legal systems as a normative solution to the legitimacy crisis and power bias in the current global legal order. Therefore, this research takes a critical and constructive position by presenting *maqāṣid al-syarī‘ah* as an integrative alternative legal framework that can engage normatively and practically with the principles of modern international law and be applicable in responding to global conflict dynamics and injustices.

This study uses a normative-comparative approach aimed at analyzing and comparing the fundamental principles of *maqāṣid al-syarī‘ah* with international legal norms, particularly those contained in the United Nations Charter. This approach allows for an exploration of how key Islamic values—such as the protection of life, intellect, religion, lineage, and property—can synergize with international principles such as non-aggression, human rights, and universal justice. This study also expands its analytical framework by including case studies of contemporary conflicts, such as Israel's aggression against Palestine (specifically Gaza post-October 2023), the civil wars in Syria and Yemen that have lasted over a decade, and Russia's invasion of Ukraine, which began in 2022 and has caused a major humanitarian crisis.⁹ Through these case studies, *maqāṣid* is tested as an ethical and practical approach to formulating just solutions to global conflicts. In its theoretical dimension, *maqāṣid al-syarī‘ah* is understood as a universal and transformative framework of Islamic law, as developed by Yusuf al-Qaradawi (2006), who emphasized *maqāṣid* as the "soul" of the entire Sharia structure. Jasser Auda's (2008) thinking expands this scope with a systemic approach that prioritizes the contextuality, openness, and sustainability of *maqāṣid* as a foundational principle in the reform of modern Islamic law.

The international legal framework, as articulated in the United Nations Charter, embodies a coherent and comprehensive commitment to the principles of non-aggression, peaceful dispute resolution, and international justice. Article 2(4) explicitly prohibits the use of force or threats against the territorial integrity or political independence of any state, while Article 33 encourages states to settle disputes by peaceful means such as negotiation, mediation, and arbitration. These principles constitute one of the most advanced normative achievements in modern international law and were designed to ensure global stability after World War II. However, the main obstacle lies not in the weakness of these legal norms but in the asymmetry of power embedded in their institutional enforcement mechanisms—particularly the veto power held by the five permanent members of the UN Security Council.¹⁰ As Luck argues, this structure allows selective application of international law depending on the interests of dominant powers,¹¹ while Fassbender highlights that such institutional imbalance undermines the universality of justice envisioned by the Charter.¹² Consequently, the persistent gap between the law's universality and its enforcement reality calls for a complementary ethical framework—such as *maqāṣid*

⁸ al-Qaradawi, Yusuf. 2006. *Fiqh Maqāṣid Syariah*. Jakarta: Pustaka Al-Kautsar.

⁹ International Committee of the Red Cross. 2025. ICRC Annual Report 2024. ICRC.

¹⁰ The "veto power" granted to the five permanent members (United States, United Kingdom, France, Russia, and China) has repeatedly been identified as the structural limitation preventing the equitable enforcement of the UN Charter.

¹¹ Luck, Edward C. *UN Security Council: Practice and Promise* (New York: Routledge, 2006), 47–53.

¹² Fassbender, Bardo. *The United Nations Charter as the Constitution of the International Community* (Leiden: Martinus Nijhoff Publishers, 2012), 81–85.

al-syarī'ah—to restore the moral legitimacy and universality that the UN Charter was originally meant to uphold.

In comparison, within Islamic legal tradition, fikih siyasah has long been a normative instrument to regulate relations between states, people, and the global community. Fikih siyasah not only discusses the legitimacy of power and diplomatic relations but also regulates the principles of war (*jihād*), peace (*sulh*), and protection of non-combatants (*mustā'man* and *dhimmi*) in detail, as explained in classical works such as *Ahkām al-Sultāniyyah* by al-Māwardī and *Siyāsah al-Sharī'iyyah* by Ibn Taymiyyah. In the modern era, this thought has been reconstructed to include elements such as human rights, international humanitarian law, and the principle of substantive justice, as analyzed by Mohammad Hashim Kamali (2008) and Louay Safi (2014). Therefore, the transformation of fikih siyasah is a key element in building an integrative approach between Islamic Sharia and international law, one that is more adaptive to contemporary global challenges without compromising the normative principles derived from revelation.

Existing maqāṣid scholarship has convincingly argued for the relevance of higher objectives of the Sharī'ah in modern governance and public ethics, including systemic and policy-oriented readings. However, these works rarely operationalize maqāṣid as a structured “value-bridge” by (i) producing an article-by-article crosswalk between maqāṣid categories and specific UN Charter peace obligations, and (ii) applying that crosswalk to diagnose institutional breakdowns in enforcement—particularly Security Council paralysis driven by the veto. This article addresses that gap by combining a coded convergence matrix (maqāṣid ↔ UN Charter principles) with a focused institutional critique of veto-driven inaction, thereby making the integrative claim testable and method-transparent rather than purely aspirational.

This study examines the extent of normative convergence between the core objectives of maqāṣid al-sharī'ah—especially the protection of life (*hifz al-nafs*) and justice (*'adl*)—and the peace-related principles of the United Nations Charter. Rather than proposing a new global legal order, the article maps points of alignment and tension between these two normative traditions and assesses how maqāṣid can function as an ethical lens to evaluate selective enforcement and institutional paralysis in contemporary peace governance. The contribution of the study is therefore conceptual and analytical: it clarifies where maqāṣid reinforces the Charter's humanitarian rationale, and where structural practices—most notably the use of the veto—undermine the Charter's peace mandate.

Method

This research employs a qualitative juridical–normative design through a systematic literature study. The document search and screening were conducted 6 months using official UN repositories and institutional databases for international law materials, and authoritative Islamic legal sources for maqāṣid theory. Primary materials include: (1) selected Qur'anic passages and Prophetic traditions on peace, protection of life, justice, and restraint in conflict; (2) classical and modern maqāṣid works (e.g., al-Ghazālī, al-Shāṭibī, Ibn 'Āshūr, and contemporary maqāṣid theorists);¹³ and (3) the UN Charter and related UN documentation on peace and security. Inclusion criteria required clear thematic relevance to peace, justice, civilian protection, and ethical restraint, publication by authoritative bodies or recognized scholars, and traceable bibliographic information. Exclusion criteria removed non-scholarly polemics, unverified web commentaries, and texts lacking methodological or documentary transparency.

¹³ Adapted from Al-Shāṭibī (1997), Ibn 'Āshūr (2001), United Nations (1945), and Krippendorff (2018).

Results and Discussion

The Convergence Between Maqāṣid and the UN Charter

In a world grappling with multidimensional crises, the search for common ground between Islamic values and international legal principles becomes increasingly urgent. *Maqāṣid al-Syarī'ah*, as the foundational values in Islamic law, seeks to protect five fundamental aspects: religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-‘aql*), lineage (*hifz al-nasl*), and property (*hifz al-māl*). Meanwhile, the United Nations Charter contains principles aimed at ensuring peace, justice, equality, and the protection of human rights.

Table 1: The correlational relationship between the principles in *maqāṣid al-syarī'ah* and the main principles in the UN Charter

Maqāṣid al-Syarī'ah Principle	Relevant UN Charter Principle	Explanation of Convergence
<i>hifz al-nafs</i> (protection of life)	Right to life, civil protection	Both emphasize the protection of human life from violence, war, and murder.
<i>hifz al-‘aql</i> (protection of intellect)	Education, freedom of thought	Protection of intellectual freedom and access to education.
<i>hifz al-dīn</i> (protection of religion)	Freedom of religion and belief	Guarantee of the freedom to practice religion without pressure or discrimination.
<i>hifz al-māl</i> (protection of property)	Right to ownership and economic justice	Justice in wealth distribution and legal protection of individual property.
<i>hifz al-nasl</i> (protection of lineage)	Rights of children and family, non-discrimination	Protection of family rights, lineage, and guarantees for the continuity of generations.

As shown in the table, the principles of *maqāṣid* have essentially touched upon all the key aspects that are also of concern to the international community in the UN Charter. This demonstrates that Islam is not only compatible with universal values but also offers a deeper ethical and spiritual basis.

Maqāṣid provides an integral framework for moral values, not just as legal norms, but also as a divine commitment to safeguarding human welfare. In contrast, the UN Charter emphasizes the formal legal aspect as a consensus among nations to prevent conflict and maintain world peace. At this point, *maqāṣid* can complement the spiritual void in the international legal system.

A concrete example of this convergence is in the context of the protection of human life (*hifz al-nafs*). In Islamic law, the unlawful killing of a single soul is considered a grave crime, equivalent to killing all of humanity (Q.S. al-Mā'ídah: 32). Similarly, in the UN Charter and human rights instruments, the protection of life is a top priority. This has driven the strengthening of international norms against genocide and torture.

In the aspect of *hifz al-‘aql*, *maqāṣid* encourages the development of intellect and knowledge as a means to understand God's creation and contribute to life. This aligns with the UN Charter's principles guaranteeing the right to education and freedom of expression. In other words, Islam places intellect at the center of building civilization, just as the international community relies on legal rationality to resolve global conflicts.

Further, *hifz al-dīn* affirms that freedom of religion is part of basic human rights. In classical Islamic history, religious freedom for Ahl al-Kitāb and other minority communities was practiced through the concept of ahl al-dhimmah. In the modern context, the UN Charter also emphasizes non-discrimination on religious grounds, forming the basis for international legislation to protect religious minorities.

Meanwhile, *ḥifẓ al-māl* and the principle of economic justice in Islam closely align with the UN's Sustainable Development Goals (SDGs). Islam rejects the accumulation of wealth in the hands of a few elites, as emphasized in Q.S. al-Hasyr: 7. The principle of zakat redistribution and the prohibition of usury are tangible efforts toward economic justice, which aligns with the goal of reducing global inequality and poverty.

On the aspect of *ḥifẓ al-nasl*, Islam gives attention to the continuity of family and the protection of children. In *maqāṣid*, this means ensuring reproductive rights, children's education, and preventing exploitation. This is closely related to various UN conventions, such as the Convention on the Rights of the Child (CRC), which advocates for the future of the next generation of humanity.

The convergence between *maqāṣid* and the UN Charter is also evident from the shared values they uphold, such as humanity, justice, and anti-violence. Islam fundamentally rejects aggression, except in self-defense (Q.S. al-Baqarah: 190). This is in line with the prohibition of aggression in international law and the role of the UN Security Council in maintaining world peace.

Table 2: Summarizes the shared values between *maqāṣid* and the main principles of the UN Charter

Universal Value	Maqāṣid al-Syārī‘ah	UN Charter Principle
Humanity	All <i>maqāṣid</i> principles	Human rights, peace
Justice	<i>ḥifẓ al-māl</i> , <i>al-dīn</i> , <i>al-‘aql</i>	Social justice, international law
Anti-Violence	<i>ḥifẓ al-nafs</i>	Prohibition of aggression, conflict resolution
Freedom of Religion	<i>ḥifẓ al-dīn</i>	Freedom of belief
Protection of Generations	<i>ḥifẓ al-nasl</i>	Protection of children and family

From the explanation above, it is clear that *maqāṣid al-syārī‘ah* not only serves as a guide in Islamic law but also has significant capacity to enrich the global discourse on justice, human rights, and international law. *Maqāṣid* can act as a bridge between religious legal systems and global secular legal systems, creating a space for dialogue and collaboration across civilizations.

Although the UN Charter and *maqāṣid* come from different epistemological frameworks, both agree on the importance of preserving human dignity. This represents a great opportunity for Muslims to demonstrate that Sharia has a constructive role in developing a more just, peaceful, and prosperous world society.

Finally, it is important to recognize that integrating *maqāṣid* into discussions on international law is not to replace, but to complement the moral and spiritual dimensions often overlooked in the formulation of global norms. Thus, Islam emerges not as an opposition to modernity, but as a partner in building a more humane future for the world.

Critique of the Implementation of the UN Charter and the Role of Islamic Law

The United Nations (UN) Charter is an important instrument in building a peaceful and just world order. However, its implementation often faces serious criticism. The structure of the UN Security Council, with the veto power held by the five permanent members (the United States, the United Kingdom, Russia, France, and China), frequently obstructs the achievement of substantive justice. This veto power has been repeatedly used as a political tool. In the Israel–Palestine conflict, for

example, the United States has repeatedly used its veto power to block resolutions condemning Israel's aggression, despite strong indications of violations of international humanitarian law.¹⁴

This situation highlights the power bias within the international system, which often prioritizes national interests over universal justice principles. From the perspective of *maqāṣid al-syārī’ah*, this contradicts the principles of *hifz al-nafs* (protection of life) and *hifz al-‘aql* (protection of intellect and human dignity). Al-Syātībī's thinking affirms that *maqāṣid* functions to safeguard basic human needs; if these are violated, then Sharia fails to achieve its purpose.¹⁵ This is also in line with the view of A. Qodri Azizy, who describes *maqāṣid* as "Islamic public ethics" that can provide a moral direction for modern international law practice.¹⁶

Another paradox is the imbalance between norms and practice. In principle, the UN upholds human rights, peace, and justice. However, in practice, interventions are often selective and politically driven. The cases of Syria, Yemen, and Ukraine demonstrate that international support is more influenced by ideological or strategic alliances than by the objective needs of the conflict's victims.¹⁷ Such critiques have also been raised by Indonesian scholars like Hikmahanto Juwana, who argues that the UN is often "powerless" when conflicts involve the interests of major countries.¹⁸

In this context, Islamic law through *maqāṣid al-syārī’ah* offers a transcendent moral framework. Islam emphasizes not only formal legality but also moral legitimacy. The principles of *al-‘adālah* (justice), *al-rahmah* (compassion), and *al-maṣlahah* (public welfare) serve as the basis for policy evaluation. Ibn Taymiyyah in *al-Siyāsah al-Sharī’iyah* affirms that justice is the foundation of society; a state can endure even if it is non-Muslim, but it will not survive if it is unjust.¹⁹ In modern Indonesian literature, M. Amin Abdullah also emphasizes that *maqāṣid* can function as "interfaith ethics" that contributes to global dialogue for peace.²⁰

The comparison between the formal legality of the UN Charter and the moral legitimacy of *maqāṣid al-syārī’ah* highlights differing approaches. The UN system tends to emphasize formal legal procedures, while *maqāṣid* evaluates based on the substantive impact on welfare. For example, an economic embargo against a country may be legal under international law but contradict *maqāṣid* if it results in hunger and the death of innocent civilians.²¹

Table 3: Comparative of formal legality (UN Charter) and moral legitimacy (maqāṣid al-syārī’ah)

Aspect	Formal Legality (UN Charter)	Moral Legitimacy (Maqāṣid al-Syārī’ah)
Basis of Consideration	Procedural and positive law	Ethics, welfare, and universal values
Source of Authority	Member states and veto	Islamic Sharia and <i>maqāṣid</i>
Main Goal	Global stability and peace	Substantive justice and protection

¹⁴ United Nations Security Council, *Draft Resolutions on the Situation in the Middle East (Palestine) Vetoed by the United States*, UN Documentation, 2023.

¹⁵ Abū Ishāq al-Syātībī, *al-Muwāfaqāt fī Uṣūl al-Shari‘ah*, Juz II (Kairo: Dār al-Hadīth, 1997), 8–9.

¹⁶ A. Qodri Azizy, *Maqāṣid al-Syārī’ah sebagai Etika Publik Islam* (Yogyakarta: Pustaka Pelajar, 2003), 55–56.

¹⁷ Noam Chomsky, *Who Rules the World?* (New York: Metropolitan Books, 2016), 105–110.

¹⁸ Hikmahanto Juwana, "Relevansi Hukum Internasional dalam Menyelesaikan Konflik Global," *Jurnal Hukum Internasional* 12, no. 1 (2015): 1–18.

¹⁹ Ibn Taymiyyah, *al-Siyāsah al-Sharī’iyah fī Islah al-Rā‘i wa al-Ra‘iyah* (Riyadh: Maktabah al-Riyād al-Hadīthah, 1961), 13–14.

²⁰ M. Amin Abdullah, *Islam as a Cultural Discourse: Integrating Philosophy, Theology, and Social Sciences* (Yogyakarta: UIN Sunan Kalijaga Press, 2010), 122–124.

²¹ Muḥammad Tāhir Ibn ‘Āshūr, *Maqāṣid al-Shari‘ah al-Islāmiyyah* (Amman: Dār al-Nafā’is, 2001), 95.

Sanction Mechanism	Economic sanctions, embargo, intervention	Islah (reconciliation), restorative justice
Interest	Political and national interests	Welfare of the Ummah and the world

In global conflict studies, maqāṣid al-syarī'ah offers a framework for developing more humane and sustainable solutions grounded in justice ('adl) and the preservation of life (*hifz al-nafs*). For example, in the Israel–Palestine conflict, the maqāṣid perspective rejects the normalization of occupation (*ihtilāl*) and systematic violence against civilians because such practices violate the fundamental objectives of protecting life and faith (*hifz al-nafs* and *hifz al-dīn*) as articulated in Islamic jurisprudence.²² In Syria, the prolonged war has displaced over 13 million people (UNHCR, 2024), showing the limits of international mechanisms dominated by state interests. Applying maqāṣid would reorient post-conflict recovery toward *islāh* (reconciliation) and communal rehabilitation, emphasizing moral rather than military intervention.

The Yemeni conflict, which has resulted in more than 377,000 deaths by 2023 (UNDP, 2023), exemplifies the failure of the international community to prevent humanitarian catastrophe due to political paralysis in the UN Security Council (UNSC). From a maqāṣid lens, this stagnation is a result of what may be termed the “failure of the veto”, the misuse of veto power by permanent members that obstructs collective protection of human life. Such obstruction directly contradicts the maqāṣid principle of *hifz al-nafs* (protection of life) and *hifz al-'adl* (preservation of justice).²³ Therefore, reforming the UNSC structure to limit or condition veto rights in cases involving mass atrocities aligns with both maqāṣid imperatives and global justice ethics.

A central obstacle to the UN Charter's peace mandate is not the absence of normative commitments, but the structural possibility that enforcement can be suspended through the veto of permanent members. This practice produces what may be described as a “failure of the veto”: situations in which credible risks to civilian protection and mass atrocity prevention cannot trigger timely collective action because a single permanent member can block the Council's response. UN documentation and UN General Assembly debates repeatedly highlight how veto-driven paralysis undermines the Security Council's primary responsibility for maintaining international peace and security, prompting institutional responses such as the General Assembly's standing mandate to convene after a veto is cast.²⁴

From a maqāṣid al-sharī'ah perspective, veto paralysis is not value-neutral. When veto use foreseeably prolongs large-scale civilian suffering, it constitutes mafṣadah (preventable harm) that directly violates *hifz al-nafs* (protection of life) and the imperative of justice ('adl), two core objectives that serve as evaluative standards for public authority and legal policy. The Syrian case illustrates this structural problem: UN forums have recorded that repeated vetoes on Syria constrained collective measures intended to protect civilians and enable humanitarian access, reinforcing perceptions of selective enforcement.²⁵

This critique is not merely moral rhetoric; it has a concrete reform direction consistent with both maqāṣid and emerging accountability initiatives within the UN system. Voluntary restraint proposals, such as limiting veto use in contexts involving mass atrocities, operate as institutional approximations

²² AbuSulayman, A. A. (1993). *Crisis in the Muslim Mind*. International Institute of Islamic Thought.

²³ Weiss, T. G. (2020). *The United Nations and Changing World Politics* (9th ed.). Routledge.

²⁴ Al-Shāṭibī, A. (1997). *Al-Muwafaqat fi Uṣūl al-Shari'ah*. Cairo: Dār Ibn 'Affān.

²⁵ Bassiouni, M. C. (2014). *The Shari'a and Islamic Criminal Justice in Time of War and Peace*. Cambridge University Press.

of *maqāṣid*-aligned governance because they attempt to prevent predictable large-scale harm while preserving the Charter framework. In short, a *maqāṣid*-based reading reframes veto reform from a political preference into an ethical necessity grounded in the protection of life and the universality of justice.

Reconstruction of the Global Peace Paradigm Based on Maqāṣid al-Syarī‘ah

The current global peace paradigm faces a fundamental crisis. The dominance of purely political and economic approaches has reduced peace to merely the absence of war, rather than the establishment of substantive justice. In fact, the tradition of classical Islamic thought has long emphasized that justice (*‘adl*) and welfare (*maṣlahah*) are the foundations of social order. Al-Ghazālī in *al-Mustashfā* emphasized that *maqāṣid al-syarī‘ah* aims to preserve five basic principles: religion, life, intellect, lineage, and property. If these are neglected, social order will deteriorate, and corruption (*fasād*) will prevail.²⁶ In this framework, *maqāṣid* is not just a particular legal norm but a universal value that can serve as a pillar for the reconstruction of the global peace paradigm.

The principles of *maqāṣid*, such as *hifz al-nafs*, *hifz al-‘aql*, *hifz al-dīn*, *hifz al-nasl*, and *hifz al-māl*, function as the foundation for multidimensional protection. Ibn Taymiyyah in *al-Siyāsah al-Sharī‘iyah* emphasized that the role of political authority is to safeguard both religion and worldly affairs, where the security of people's lives and property is the primary goal of Sharia.²⁷ Thus, *maqāṣid* can be understood as a philosophical framework that aligns with the principles of modern international law, which emphasizes the protection of human rights and universal welfare.

In Islam, peace is not merely the absence of conflict (negative peace) but *al-salām al-‘ādl*, peace that is just. Ibn ‘Āshūr in *Maqāṣid al-Sharī‘ah al-Islāmiyyah* stated that *maqāṣid* demands the achievement of social justice and the elimination of oppression as prerequisites for the establishment of a civilized society.²⁸ Therefore, Islam can emerge as an ethical partner in global diplomacy, not within a hegemonic framework, but through interfaith and intercultural dialogue aimed at achieving global civility.

A concrete example of the relevance of *maqāṣid* is evident in the principle of *hifz al-nafs*, which calls for the protection of human life. Al-Shāṭibī emphasised that safeguarding life is a primary goal of Sharia that must be prioritised in all situations.²⁹ This principle aligns with the spirit of UN Security Council Resolution 1325 (2000) on the protection of civilians, particularly women and children, in armed conflict.³⁰ Similarly, *hifz al-‘aql* underscores the importance of education and freedom of thought; al-Ghazālī regarded intellect as the basis of responsibility, and without the protection of intellect, humanity would be unable to uphold welfare.³¹ This principle is relevant to UNESCO's agenda to guarantee the right to education as the foundation of sustainable peace.³²

Efforts to reconstruct the global peace paradigm can be made by bridging *maqāṣid al-syarī‘ah* with the principles of the UN Charter. An integrative model, such as a Peace *Maqāṣid* Charter, can be

²⁶ Abū Hāmid al-Ghazālī, *al-Mustashfā min ‘Ilm al-Uṣūl* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1993), 174.

²⁷ Ibn Taymiyyah, *al-Siyāsah al-Sharī‘iyah fī Iṣlāḥ al-Rā‘i wa al-Ra‘iyah* (Riyadh: Maktabah al-Riyāḍ al-Ḥadīthah, 1961), 13–14.

²⁸ Muḥammad Tāhir Ibn ‘Āshūr, *Maqāṣid al-Sharī‘ah al-Islāmiyyah* (Amman: Dār al-Nafā’is, 2001), 95.

²⁹ Abū Ishaq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah*, vol. 2 (Cairo: Dār al-Hadīth, 1997), 8–9.

³⁰ United Nations Security Council, *Resolution 1325 (2000) on Women, Peace and Security*, October 31, 2000, <https://www.un.org/womenwatch/osagi/wps/>

³¹ Al-Ghazālī, *Iḥyā’ ‘Ulūm al-Dīn*, vol. 1 (Beirut: Dār al-Ma‘rifah, 1983), 90.

³² UNESCO, *Peace Education: Framework for Policy and Practice* (Paris: UNESCO Publishing, 2016).

proposed. This charter would combine the spiritual framework of maqāṣid with the main articles of the UN Charter, creating a richer normative foundation: justice, the protection of human dignity, universal welfare, and respect for cultural and religious diversity.

Table 4: UN Charter Principle and Maqāṣid al-Syārī'ah Principle Integration Model

Maqāṣid al-Syārī'ah Principle	Corresponding UN Charter Principle	Implications in the Peace Paradigm
ḥifẓ al-nafs	Right to life and civilian protection	Anti-violence and disarmament
ḥifẓ al-‘aql	Freedom of thought and education	Human resource development
ḥifẓ al-dīn	Freedom of religion	Interfaith tolerance and social harmony
ḥifẓ al-māl	Economic justice	Inclusive global economic order
ḥifẓ al-nasl	Family rights and generational protection	Just demographic policies

The table clearly shows that maqāṣid al-syārī'ah has a concrete point of convergence with the vision of the United Nations Charter (UN), especially in aspects of the protection of human dignity, justice, and peace. This similarity opens opportunities for the formation of a new foundation for international law that is not only oriented toward political power but also grounded in spirituality and universal humanitarian values.³³

The implementation of maqāṣid in the context of modern international law can begin through cultural diplomacy. Countries with Muslim majorities have the ethical and historical capital to offer an alternative framework based on religious values. Indonesia, for example, with its active role in the G-20 forum and the Organization of Islamic Cooperation (OIC), has the potential to propose a Maqāṣid-based Peace Framework. This framework emphasizes conflict resolution based on spiritual ethics and the principle of maslahat, rather than being solely based on pragmatic geopolitical calculations.³⁴

Moreover, maqāṣid offers a concept of justice that transcends legal-formalistic boundaries. In current international law practice, justice is often understood as mere compliance with positive legal procedures. However, from the perspective of maqāṣid, justice is the realization of maṣlahah ‘āmmah (the common good) and the prevention of mafṣadah (social harm). This understanding is more comprehensive in addressing global humanitarian crises such as hunger, refugee crises, and climate change. Al-Shāṭibī in *al-Muwāfaqāt* emphasized that all maqāṣid aim to achieve human welfare, and without this, Sharia loses its substantial meaning.³⁵

Empirical data further supports this framework. The 2024 Global Peace Index (GPI) shows that countries with a high level of public religiosity combined with political stability tend to have higher peace indexes.³⁶ This fact indicates that public spirituality is not just a private factor, but can become an important instrument for sustainable peace. Therefore, modern international law should not exclude the spiritual dimension from its global framework but should explicitly integrate it as one of the foundations of the world legal system. This fact indicates that public spirituality is not merely a private

³³ United Nations, *Charter of the United Nations and Statute of the International Court of Justice* (San Francisco: United Nations, 1945), Preamble.

³⁴ Azyumardi Azra, *Indonesia, Islam, and Democracy: Dynamics in a Global Context* (Jakarta: Equinox Publishing, 2006), 118–121.

³⁵ Abū Ishaq al-Shāṭibī, *al-Muwāfaqāt fi Uṣūl al-Shari‘ah*, vol. 2 (Cairo: Dār al-Hadīth, 1997), 9–10.

³⁶ Institute for Economics & Peace (IEP), *Global Peace Index 2024: Measuring Peace in a Complex World* (Sydney: IEP, 2024), 15.

factor but can be a crucial instrument for sustainable peace. Therefore, modern international law must not exclude the spiritual dimension from its global construction but must explicitly integrate it as one of the foundations of the global legal order.

Table 5: The 2024 Global Peace Index (GPI)

Country	Peace Index (2024)	Religiosity Score	Remarks
Indonesia	1.91	8.2/10	Religious and democratic
Norway	1.49	3.1/10	Secular and stable
Yemen	3.41	9.0/10	Religious but in conflict
Qatar	1.77	7.5/10	Religious and peaceful
Syria	3.63	8.9/10	Religious but in conflict

The findings in the table show that religiosity is not the sole determinant of peace; what matters more is the interaction between religiosity, institutional capability, and governance stability. In the context of democratic and relatively stable countries like Indonesia—and countries with very high political stability like Qatar—the integration of religious values with positive legal systems tends to correlate with better stability outcomes. The 2024 Global Peace Index (GPI) ranks Qatar at 29th and Indonesia at 48th; meanwhile, the Political Stability and Absence of Violence/Terrorism indicator from the WGI places Qatar in a very high percentile, while Indonesia is moderate. This finding strengthens the thesis that sustainable peace arises from the coherence of norms (including religion) with institutional capacity and democratic/rule of law frameworks, rather than from a single variable.³⁷

The relevance of *maqāṣid al-syarī‘ah* in international law extends beyond the normative substance (the goal of protecting life, intellect, religion, lineage, and property) to its reach across nations and religions. In the framework of legal pluralism/transnational law, *maqāṣid* functions as a "value bridge" that enables the convergence of legal traditions without demanding uniformity. Ibn ‘Āshūr’s perspective on the universality of *maqāṣid* emphasizes the orientation toward the common good across communities, while Al-Syāṭibī places *maslahah* as the final goal of Sharia—two foundations that are compatible with the global legal pluralism project, which emphasizes dialogue procedures, recognition of multiple norms, and accommodation mechanisms between systems.³⁸

³⁷ Institute for Economics & Peace, Global Peace Index 2024: Measuring Peace in a Complex World (Sydney: IEP, June 2024), tabel peringkat global (Qatar peringkat 29; Indonesia peringkat 48).

Freedom House, "Indonesia: Freedom in the World 2024 Country Report," 2024, <https://freedomhouse.org/country/indonesia/freedom-world/2024>

World Bank, Worldwide Governance Indicators—Indicator "Political Stability and Absence of Violence/Terrorism," data Indonesia (2023 persentil ±28,9), diakses 2025, sumber basis data WGI yang dirujuk oleh TradingEconomics, "Indonesia—Political Stability and Absence of Violence/Terrorism: Percentile Rank," <https://tradingeconomics.com/indonesia/political-stability-and-absence-of-violence-terrorism-percentile-rank-wb-data.html>

World Bank, Worldwide Governance Indicators—Indicator "Political Stability and Absence of Violence/Terrorism," data Qatar (2023 upper-bound percentile ±96,7), dirujuk oleh TradingEconomics, "Qatar—Political Stability and Absence of Violence/Terrorism: Percentile Rank (Upper Bound)," <https://tradingeconomics.com/qatar/political-stability-and-absence-of-violence-terrorism-percentile-rank-upper-bound-of-90percent-confidence-interval-wb-data.html>

³⁸ Muḥammad Tāhir Ibn ‘Āshūr, *Maqāṣid al-Shari‘ah al-Islāmiyyah* (Amman: Dār al-Nafā‘is, 2001) [ed. Arab]; terj. Inggris: Treatise on *Maqāṣid al-Shari‘ah*, trans. Mohamed El-Tahir El-Mesawi (London–Washington, DC: IIIT, 2006).

Abū Ishaq al-Syāṭibī, *al-Muwāfaqāt fī Uṣūl al-Shari‘ah*, juz 2 (Kairo: Dār al-Ḥadīth, 1997).

Paul Schiff Berman, "Global Legal Pluralism," *Southern California Law Review* 80, no. 6 (2007): 1155–1237; lihat juga *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders* (New York: Cambridge University Press, 2012).

Paul Schiff Berman, "Global Legal Pluralism as a Normative Project," *Indiana Journal of Global Legal Studies* 20, no. 2 (2013): 665–695.

Islam's Contribution to Global Civilization is, therefore, inclusive: it opens space for differences, making justice ('adl) and balance (tawāzun) its pillars, and directs policy formulation toward the prevention of mafṣadah (corruption) and the realization of maṣlahah 'āmmah (public welfare). In practice, the design of peace policies based on maqāṣid can prioritize the protection of life (for example, civil protection standards and violence reduction), the preservation of intellect (educational rights, access to knowledge), and the safeguarding of property/lineage (socio-economic resilience and family protection). This orientation aligns with the spirit of the UN Charter, which emphasizes human dignity, justice, and peace as common goals—while still allowing space for diverse paths to achieve those goals.³⁹

The new paradigm offered does not aim to replace the existing international system, but rather to complement it with the spiritual dimension that has often been overlooked. By positioning maqāṣid as an ethical partner—rather than a hegemonic framework—Islamic law can play a strategic role in the reform of the global structure toward a more just, dignified, and humane world order. Its implementation can leverage cultural diplomacy channels and multilateral forums to formulate operational guidelines (e.g., peace-by-maqāṣid guidelines) that are compatible with positive legal frameworks, peace indicators (GPI), and human rights standards, yet rooted in cross-religious spiritual ethics.⁴⁰

The analysis above shows that there is a convergence of values between maqāṣid al-syārī'ah and the universal principles of the UN Charter. For example, one of the objectives of Sharia is to preserve life (*hifz al-nafs*), which aligns with the goal of global peace to protect human life from conflict. The Islamic principle of global justice and *rahmatan lil-'alamīn* (mercy for all worlds) also resonates with the spirit of the UN Charter in preventing aggression and respecting human rights. This discussion affirms that the construction of Islamic law based on maqāṣid al-syārī'ah can support global peace by emphasizing values of justice, protection of life, human brotherhood, and the common good. This aligns with the views of contemporary Islamic figures who emphasize the compatibility of Islam with universal values. For instance, Tariq Ramadan underscores that the Islamic teaching of tolerance is global and should be shared with all of humanity for the creation of world unity.⁴¹ Likewise, Ahmad Syafii Maarif asserts that peace in Islam is a universal value applicable across nations and eras; he even states that a Muslim who does not strive for peace is betraying God. This perspective strengthens the argument that maqāṣid al-syārī'ah can make a tangible contribution to the global peace agenda.

³⁹ Abū al-Ḥasan al-Māwardī, *al-Āḥkām al-Sultāniyyah* (Beirut: Dār al-Kutub al-'Ilmiyyah, t.t.), khususnya bab tentang al-siyāsah dan al-'adālah.

United Nations, Charter of the United Nations and Statute of the International Court of Justice (San Francisco: United Nations, 1945), Preamble.

Institute for Economics & Peace, "The Positive Peace Framework" (berkaitan dengan pilar well-functioning government, low levels of corruption, acceptance of the rights of others, dll.), ringkasan metodologis dalam laman Global Peace Index, <https://www.economicsandpeace.org/global-peace-index/>

⁴⁰ Muḥammad Tāhir Ibn 'Āshūr, *Maqāṣid al-Shari'ah al-Islāmiyyah* (Amman: Dār al-Nafā'is, 2001) [ed. Arab]; terj. Inggris: *Treatise on Maqāṣid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London–Washington, DC: IIIT, 2006). United Nations, Charter of the United Nations and Statute of the International Court of Justice (San Francisco: United Nations, 1945), Preamble.

⁴¹ Abdul Razak, Abdulroya Panaemalae, and Zaenuddin Hudi Prasojo, "Islam and the West: Tariq Ramadan and the Discourse of Religion of Peace for a Global Understanding," *Al-Albab* 5, no. 2 (2016), <https://doi.org/10.24260/alalbab.v5i2.507>.

Conclusion

This study demonstrates that there is a strong point of convergence between the principles of *Maqāṣid al-Syāri‘ah* and the universal values outlined in the United Nations (UN) Charter. Both value systems uphold the protection of life (*hifz al-nafs*), intellect (*hifz al-‘aql*), human rights, justice, and global peace. Although originating from different contexts—namely, the Islamic tradition and the secular international legal system—both can be constructed into a conceptual and normative synergy aimed at building a foundation for inclusive and sustainable global peace.

Islamic law through *maqāṣid* not only offers normative legal tools but also provides a framework of morality and spirituality that has often been underrepresented in modern international law systems. In facing the complexities of global geopolitics, which frequently reveal imbalances between formal legality and substantive justice, *maqāṣid* can serve as an alternative that balances positive law with ethical legitimacy. By integrating *maqāṣid* into global discourse, the international community has the opportunity to reconstruct the international legal paradigm toward a more just, humane, and transnational direction.

Therefore, Islam's contribution to global civilization should not be seen merely as a historical heritage, but as a visionary offering that is relevant for both the present and the future. The synergy between Islamic law and the UN Charter is not a form of subordination or domination but a collaborative strategy that enables the creation of a new world order—one that not only guarantees legal order but also revives universal human values.

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