11233 - Referring to the International Court of Justice

the question

What is the ruling on referring matters to the International Court of Justice?

Detailed answer

Praise be to Allah.

The saheeh evidence of the Qur'aan and Sunnah indicates that it is obligatory for all the Muslims – on the individual, community, governmental and international levels – to refer any disputes or arguments that arise among them to the laws of Allaah, and to submit to Him and accept His laws. Among this clear evidence are the aayahs (interpretation of the meaning):

"But no, by your Lord, they can have no Faith, until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission

[al-Nisaa' 4:65]

"Do they then seek the judgement of (the days of) Ignorance? And who is better in judgement than Allaah for a people who have firm Faith."

[al-Maa'idah 5:50]

"O you who believe! Obey Allaah and obey the Messenger (Muhammad), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allaah and His Messenger, if you believe in Allaah and in the Last Day. That is better and more suitable for final determination"

[al-Nisaa' 4:59]

"And in whatsoever you differ, the decision thereof is with Allaah (He is the ruling Judge)" [al-

Shooraa 42:10]

And there are many similar aayaat.

From these verses we know that it is not permissible for the Muslim to refer for judgement to man-made laws, or to tribal customs that go against sharee'ah.

My sincere advice in this matter to the rulers of all Muslim states – because of the many conflicts that have arisen among them and are still continuing – is that the only way that they should resort to in order to resolve these conflicts among their states concerning properties, rights, political boundaries, etc., is to refer to the laws of Allaah. This may be done by forming a committee or sharee'ah court made up of scholars of sharee'ah who are acceptable to all in terms of their knowledge, understanding, fairness and piety, who will look at solutions to the conflicts then will pass judgement in accordance with what the sharee'ah of Islam dictates. They should realize that what some of them have done, by referring to the International Court of Justice and similar non-Islamic organizations comes under the heading of referring to laws other than the laws of Allaah, and it is not permissible to judge by those laws or to apply them to cases between Muslims. They must avoid doing that; let them fear Allaah and pay heed to the punishment with which He warns those who go against His laws. As Allaah says (interpretation of the meaning):

"But whosoever turns away from My Reminder (i.e. neither believes in this Qur'ân nor acts on its teachings) verily, for him is a life of hardship, and We shall raise him up blind on the Day of Resurrection.

He will say: 'O my Lord! Why have you raised me up blind, while I had sight (before).'

(Allaah) will say: 'Like this: Our Ayaat (proofs, evidences, verses, lessons, signs, revelations, etc.) came unto you, but you disregarded them (i.e. you left them, did not think deeply in them, and you turned away from them), and so this Day, you will be neglected (in the Hell-fire, away from Allaah's Mercy).'"

[Ta-Ha 20:124-126]

“And so judge (you O Muhammad) among them by what Allaah has revealed and follow not their vain desires, but beware of them lest they turn you (O Muhammad) far away from some of that which Allaah has sent down to you. And if they turn away, then know that Allaah’s Will is to punish them for some sins of theirs. And truly, most of men are Faasiqoon (rebellious and disobedient to Allaah).

Do they then seek the judgement of (the days of) Ignorance? And who is better in judgement than Allaah for a people who have firm Faith”

[al-Maa’idah 5:49-50]

The aayaat which point to the same meaning are many, all of which reinforce the fact that obedience to Allaah and His Messenger is the means to happiness in this life and blessing in the Hereafter, and that disobeying His Messenger and turning away from the Reminder of Allaah and His rulings is the means to a life of hardship and misery in this life and torment in the Hereafter. I ask Allaah to guide us all to the truth, to make us steadfast, to put our affairs right and to help us to do all that is good for our worldly and religious affairs. May He cause us all to accept the judgement of Allaah and His Messenger, for He is the Most Generous, Most Kind.

May Allaah bless our Prophet Muhammad and all his family and companions.