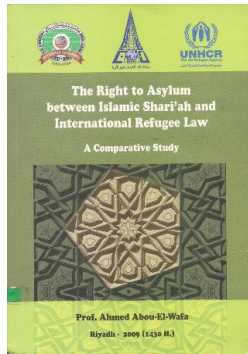


# Book Review

## The Right to Asylum between Islamic Shari'ah and International Refugee Law : A Comparative Study

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Nowadays, the majority of refugees worldwide are Muslims. This fact occurs at a time when the level of extremism, ethnic and religious, is on the rise around the globe, even if the world's most developed societies.

In this study, the author provides details explanation of Islamic Shari'ah and Arab customs, including the standards and norms which emphasize the legal framework which the office of the UNHCR bases its activities. The author describes

how Islam honored refugees, even if they were non-Muslims, forbade forcing them to change their beliefs, did not compromise their rights, helped reunite families and guaranteed the protection of their lives and possessions. The author has also collected numbers of Qoranic texts and ancient Arabic poetry, dated before and after the appearance of Islam and provides a thorough explanation of these texts and sources.

This book is a comparative study on the norms of Islamic Shari'ah and international law regarding refugees and asylum as well as migration and forced displacement. This book is also the outcome of the continuous and close cooperation between UNHCR and Organization of the Islamic Conference.

Partnership between UNHCR and Organization of the Islamic Conference can be seen in the Declaration on Human Rights in Islam adopted in 1990 which stipulates " every human being ... if persecuted, has the right to seek asylum in another country; and the country of asylum shall ensure

his protection until he/she has reached safety".

UNHCR official, Mr. Antonio Guterres confirmed the Islamic Shari'ah further consolidated the humanitarian principles of brotherhood, equality, and tolerance among human beings. Relieving, suffering and assisting, sheltering, and granting safety to the needy, even enemies are an integral part of Islamic Shari'ah which preceded by many centuries current international human rights treaties and norms, including the right to asylum and the principle of non-refoulement, which are designed to preserve the refugee's life and ensure his or her well-being and safety from persecution or murder. Based on the Shari'ah law, it is prohibited to return *Musta'men* (asylum seeker), thus, Non-refoulment principle which is the cornerstone of international refugee law is also applied in the Sharia'ah law.

Professor Ekmeleddin Ihsanoglu, a Secretary General of the Organization of the Islamic Conference, mentioned Holy Qur'an along with the Sunnah and Hadith of the Prophet of Islam are a foundation of contemporary refugee law. Thus, the international community should value this 14-century-old tradition of generosity and hospitality and recognize its contribution to modern law. He noted that the author provides an accurate definition of refugee and asylum in both the international law and Islamic Shari'ah. The author also elaborates requirements for granting asylum and the principles governing the right to asylum, with emphasize on its humanitarian character. The author explains in details the type of asylum in addition to the rights of refugees in both Islamic Shari'ah and the international law.

The book contains six chapters and a conclusion. Chapter one discusses Conditions of granting asylum in Islamic Shari'ah and international law. This chapter divided into two sub chapters which based on the conditions in Islamic Shari'ah and in international law.

Principles governing the right to asylum in Islam Shari'ah and international law are discussed within in chapter two, which is divided into two sub chapters, such as : Difference between the goal of and the principles governing the grant of asylum; and relevant principles which governs the right to asylum. The author describes principle of non-refoulement, principle of the prohibition of imposing penalties on a refugee who illegally enters into or is present on the state territory, principle of non-discrimination, principle of the humanitarian character of the right to asylum,

both within in Islamic Shari'ah and also in international law.

Types of asylum in international law and in Islamic Shari'ah are elaborated upon in Chapter three. In this Chapter the author divides the types of asylum into three categories: Religious asylum, Territorial asylum and Diplomatic asylum. The author explains broadly territorial asylum in Islamic Shari'ah can be granted by state authorities or by individuals. The author also explains the grant of territorial asylum to hostages if they convert to Islam or become zimmi.

Chapter four discusses legal status of refugees in Islamic Shari'ah and international law. As this book mainly a comparison between Islamic Shari'ah and international law, then the author divides the legal status into two sub chapters, in Islam and in International Law. The author strongly noted, legal status of a refugee in Islam is as important as in international law. Islam does not allow person's rights to be violated on account of embracing a different religion. In this chapter, the author describes the main rights of a refugee based on the Islamic Shari'ah. In addition, the author also compared these rights between Islamic Shari'ah and International law. In terms of international law, the author explains the rights and obligation of refugees.

Every legal issue always have barrier in its implementation. Thus impediments to the right to asylum in Islamic Shari'ah and international law are elaborated upon in chapter five. The author divides the impediments into three sub chapter, as follow : Ab ignition impediments - persons not eligible to refugee status, impediments to the continuation (perpetuation) of asylum - temporary protection and in fine impediments to asylum - permanent solutions and reasons for cessation of asylum. Impediments meant in this book is the consideration which affecting the initiation, perpetuation and cessation of the right to asylum.

The differences between Islamic Shari'ah and international law to the right of asylum are discussed extensively in Chapter six. The author in this chapter explains the similarities and differences between Islamic Shari'ah and international law in respect of the right to asylum.

Finally, as closing remarks, the author concludes Islamic Shari'ah has laid applicable rules and acceptable grounds for exercising the right to asylum. Further, the author also presents view from non-Muslim jurists that highlight strong parallels between Islamic tradition, law and practice and

modern asylum frameworks are positive indication of shared common values. Lastly, the author shares his personal value on the right to asylum which corresponds with the principles of Islam; the obligation to protect the oppressed and persecuted, encourage mobility rather than sticking to a specific territory, and respect for migrants and asylum seekers.