



International Law Milestones Throughout History: Forming the Idea of Modern Sovereignty

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Abstract. *This paper examines the evolution of international law from its early foundations to its contemporary form. Starting with the basic legal principles, it highlights significant milestones, such as the Peace of Westphalia in 1648, which established the concept of state sovereignty. The study also explores the contributions of Hugo Grotius, who is often regarded as the "Father of International Law," whose work significantly shaped the modern legal framework that governs relations between states. In addition, he analyzed the development of global institutions such as the United Nations, which emerged after World War II and played a crucial role in encouraging international cooperation and advancing international law in the 20th century. Particular attention is paid to treaty law, emphasizing how treaties between countries are important for maintaining global order. Using a qualitative research approach, this study provides a comprehensive understanding of historical and contemporary shifts in international law. It discusses how countries have balanced their sovereignty by pursuing global cooperation and broader peace. These findings underscore important moments in the evolution of international law, offering insights into the ongoing challenges and opportunities for global governance in the modern era.*

Keywords: *International Law, Peace of Westphalia, State Sovereignty.*

1. INTRODUCTION

International law is a collection of rules and principles that govern interactions between states and other international actors. Its scope includes a wide range of legal norms, including treaties, customary law, and jurisprudence, designed to regulate issues such as diplomacy, trade, human rights, and armed conflict. Although the history of international law is well documented, comprehensive analyses linking historical developments to today's legal challenges are limited. This is mainly related to efforts to balance state sovereignty with the need for international collaboration. Fundamentally, international law aims to provide a basis for peaceful cooperation and dispute settlement between countries.

This discussion will highlight the history of law with a focus on the role of Greece, India, Rome, Islamic law, as well as developments from the modern to contemporary era in shaping the principles of international law today. The history of international law has begun a long time ago, with its starting point visible in the concept of *natural law* which emphasizes universal principles such as justice and human rights. One of the milestones was Solon's legal reform in ancient Greece around 594 BC, where he replaced the previous legal system with more equitable rules. Solon introduced social justice, abolished debt slavery, and established a more inclusive board, reflecting the values of justice and individual rights that align with *natural law*. In India, Hindu law contributes through *Dharma*, which emphasizes

moral principles in community life. Meanwhile, the Roman Empire developed the concept of *ius gentium* (the law of the nations), which became the basis of the relationship between the Roman citizens and foreigners.

In the era of Islamic law, the application of Sharia expanded the scope of international law, especially in the areas of trade and diplomacy, setting a precedent for more organized relations between countries. Then *Peace of Westphalia* in 1648 introduced new principles such as state sovereignty which became the foundation of modern international law. From here, until the contemporary era, international law continues to evolve to face global challenges, especially in balancing state sovereignty with the need for international cooperation. Since then, global dynamics have continued to change, especially after World War II, when new countries that had relinquished colonization made international cooperation even more important.

In such a situation, international and non-governmental institutions are beginning to play a significant role in protecting human rights and resolving conflicts. Nonetheless, challenges remain, including a significant gap between rich and poor countries, as well as ongoing armed conflicts. Therefore, current international law needs to adapt to address complex global issues, while still adhering to the principles of justice and cooperation on which it is based. The history of international law reflects the evolution of legal thought from various civilizations that have had significant influence to the present day.

In ancient Greece, the implementation of *natural law* through legal reforms Solon emphasized social justice, the abolition of debt slavery, and the establishment of inclusive councils. These reforms provided an initial foundation on the concept of individual rights that are relevant in the principles of modern international law. In India, Hindu law with principles *Dharma* provide moral guidelines for carrying out individual and collective responsibilities. Implementation *Dharma* reflects social harmony and universal values, which contribute to an early view of justice across cultures.

The contribution of the Romans can be seen in the development of *ius civil* (civil law) for Roman citizens and *ius gentium* (law of the nations) that governs relations with non-Romans. *Ius gentium* became the forerunner of international legal norms that regulate trade and cross-border interactions. During the Islamic era, *fiqh al-siyar* introduced rules in diplomacy, trade, and war. These principles provide protection for civilians and prisoners of war, and reinforce humanitarian values that are an important part of modern international law. In the modern era, *Peace of Westphalia* affirming state sovereignty as the basis of relations between states, which is relevant in the development of international law today.

Hugo Grotius, through the work *De Jure Belli Ac Pacis*, formulating a legal framework for war and peace that strengthens the theoretical basis of international law. This study examines the contribution of major civilizations in the formation of international legal principles and their relevance to contemporary challenges. By tracing the historical implementation of law from Greece, India, Rome, and Islam, this study aims to provide a comprehensive understanding of the fundamentals of international law. Although the contributions of each era have been widely discussed, there are shortcomings in the analysis that links historical legal heritage to current challenges of international law, especially in the context of tensions between state sovereignty and the need for international cooperation.

The purpose of this study is to identify the role of history in shaping the principles of modern international law. Through an emphasis on the relevance of law in various eras, this study is expected to provide new insights into the strengthening of legal norms to overcome global challenges. The main question raised is how the legal heritage of different civilizations can contribute to resolving modern issues in international law, particularly regarding the tension between state sovereignty and global collaboration. This research will explore the development of law from the ancient era to the contemporary era to answer this question.

2. LITERATURE REVIEW

In a 2021 study, Budiono et al. examined Solon's legal reforms in ancient Greece, which sought to address social injustice and inequality, primarily through the abolition of debt slavery. These reforms exemplify the principles of natural law, which emphasize the protection of individual rights and promote the well-being of society. Solon's approach aligns with the natural law theory that governments should promote the common good, a principle that helped shape a more inclusive political structure in Athens.

These reforms were not only a response to the social challenges that existed at the time, but also laid the foundation for broader legal thought. By prioritizing justice and equality, Solon's laws show how the principles of natural law can be incorporated into positive law. His actions aimed to create a more just society, abolishing harmful practices such as debt slavery. Budiono et al. argue that Solon's contributions are not only historically important, but also offer valuable insights into modern international law, especially in balancing individual rights with the public interest.

In his article "Regional Orders, Geopolitics, and the Future of International Law," Orford (2021) examines the relationship between regional political-economic dynamics,

geopolitics, and international law. He argued that international law is not a neutral framework, but is influenced by regional forces that reflect their interests, as well as influence global legal norms. This power imbalance is evident, with large countries using international law to strengthen their geopolitical influence, while small countries face major challenges in ensuring the recognition and enforcement of their rights.

Orford points out that regional political and economic structures can be supportive, but also sometimes contradictory to, the global legal framework. Evolving regional norms may reflect local needs that are not always aligned with broader international law. The emphasis on local context confirms that international law cannot be fully understood without considering the specific geopolitical context in which it operates. In addition, Orford emphasized the importance of understanding geopolitics to respond effectively to global challenges. Geopolitical realities determine how countries interact with international law, and understanding these dynamics can improve the ability to create more effective legal structures in an increasingly interconnected and complex world.

3. METHOD

To conclude this paper, a legal-historical qualitative methodology is applied through descriptive analysis to reconstruct various events that have occurred. In the study of international law, this descriptive analysis explains its initial development, the emergence of the nation-state, Hugo Grotius's contribution, and important events such as the Treaty of Westphalia in the formation of state sovereignty. In addition, the paper also discusses the development of law after the World War, including customary international law and modern treaties. The history of international law begins from a different starting point, creating diverse perspectives on it.

This variation is due to the various ways in which international law is defined and determined. The methods used include the collection and analysis of primary and secondary sources, including historical documents, legal works, and literature relevant to the research topic. Three main approaches are applied in this study: a functional approach that emphasizes the role of legal status in the formation of laws in countries, a descriptive-analytical approach that links empirical data to key research questions, and a legal approach that aims to explain the historical development of international law.

To understand the post-World War I framework of international law, this study collects data from works relating to important events in the history of international law. In addition, relevant historical documents will also be analyzed, such as ancient Greek legal

texts, Indian Dharma books, codification of Roman law, and Islamic jurisprudence writings. This research will examine the evolution of international law through various historical periods, starting with the philosophical and legal foundations laid down in Greece, India, and Rome, then developing through the impact of the Islamic period on trade and diplomacy, and culminating in modern developments.

Important changes in international law after the classical era, the influence of figures such as Hugo Grotius in the modern era, and the establishment of frameworks such as the Peace of Westphalia will also be explored. This investigation will trace the transformation of international legal norms from ancient times to the contemporary era.

4. RESULTS AND DISCUSSION

A. Greek

In the second half of the first millennium BC, Greek cities, including Athens, experienced a period of social and political upheaval triggered by economic instability. Athens, facing a deep structural crisis, appointed Solon as an archon in 594 BC. The appointment marks an effort to ease the social and economic tensions that are plaguing the city, in the hope that Solon's leadership can bring the necessary stability and reforms. Solon of Athens is one of the most prominent individuals in this regard. . He adheres to legal principles by highlighting justice, equality, protection of rights, and supervision of power.

Solon's reforms aim to address social inequality and injustice, including debt slavery, by enacting laws that prioritize justice and equality. Solon expanded participation in government, moving from aristocratic dominance to a more representative system. This transformation is in line with the fundamental principle of natural law, which emphasizes that law should serve the public interest, not just the interests of a select group of elites. Solon, in his efforts to defuse the social and economic crisis that plagued Athens, implemented a series of profound reforms. One of his most significant actions was the abolition of debt slavery, which freed many Athenians from economic oppression and restored them to personal freedom.

In order to increase citizen participation in government, Solon established the Council of Athens (Boule), a 400-member legislative body, which played a role in the decision-making process (Lane, 2020). He also affirmed the rights of Athenian citizens, including the right to participate in government and the right to a fair trial, which are important steps in building a more democratic political system. In an effort to create a

more structured and equitable social structure, Solon divided Athenian society into four social classes based on wealth and social status. These reforms, known as "Nomoi" (laws), aimed to reduce the power inequality between rich aristocrats and poor citizens. It marked a turning point in the history of Athens, laying the foundation for the development of democracy and a fairer political system in the future.

His writings, which support justice and the defense of individual rights in society, reflect the laws of nature (Ramachandran, 2024). Natural law, or *ius naturale* in Latin, is a legal and philosophical doctrine that affirms the existence of moral principles, rights, and obligations inherent in human nature and the natural order. This idea implies that some laws are universal and that human reason can understand them regardless of laws made by humans or social norms. The theory of Natural Law is claimed to have existed before human understanding, political organization, or even legislatures. The foundation of natural law is the idea that humans are born knowing the difference between "right" and "wrong".

The legal framework introduced by Solon reflects the view that the primary responsibility of the state is to improve the welfare of all citizens, by placing the rights and needs of the general public as a priority. This is a significant shift from the previous political system that favored the elite. The reforms sought to achieve a form of justice that was in line with the principles of natural law, which affirmed that legitimate government must serve the public interest. These ideas were very innovative at the time and had a long-term impact on the concept of government. His work suggests that legitimate law should not only maintain order but also promote justice, thus setting the stage for a more just society.

Solon's inclusive political structure allows for greater citizen participation, which embodies the idea of natural law that law should promote common welfare. This basic perspective influenced later thinkers such as Hugo Grotius, who argued in *De Jure Belli ac Pacis* that the laws of nature should guide international relations. Solon's focus on justice reflects the contemporary challenge of balancing sovereignty with global cooperation, highlighting the continuing relevance of its principles in the debate of modern international law, where the goal is to respect the autonomy of states while encouraging collaboration on issues such as human rights and environmental protection.

The application of natural law and Solon's reforms in ancient Greece provided valuable insights into contemporary challenges in international law, particularly in balancing state sovereignty with global cooperation. Solon's establishment of inclusive

government emphasizes justice and collective well-being, principles that are in line with the basic ideas of natural law. This historical approach emphasizes the importance of universal legal norms that prioritize the common good while respecting the autonomy of states. In modern international law, this balance remains crucial, as countries are faced with tensions between protecting their sovereignty and addressing global issues such as human rights, climate change, and international trade.

B. Indian

Indian law originated from religious prescriptions and customs, and its foundations can be found in Vedic writings, which existed between 1500 and 500 BC. At its center is the concept of dharma, or moral obligation, which directs personal behavior and societal norms. There are many aspects of life governed by the Vedas, such as morality and justice. In ancient India, the concept of Dharma was essential both for personal morality and for the legal framework that governed society. Dharma refers to the cosmic laws and moral order that underlie both individual behavior and societal norms. This principle is embedded in the philosophical and legal traditions of India, influencing the development of law and government in ancient India. The Dharma Shastras, especially works such as Manusmriti and Yajnavalkya Smriti, outline a code of ethics that not only governs personal behavior but also deals with issues such as caste, property, and criminal law. These texts embody the idea that the law should promote moral and ethical behavior, ensuring social harmony and justice.

Manusmriti and Yajnavalkya Smriti have their own differences. Manusmriti is seen as one of the oldest legal texts in the Indian tradition, written by Manu, a mythological figure who is considered the creator of law for mankind. This text includes broad and comprehensive rules regarding aspects of social, moral, religious, and legal life. Manusmriti regulates relations between social classes (varna), as well as establishes norms regarding marriage, inheritance, social justice, and legal sanctions. This text emphasizes strict social division according to the caste system (varna), where the obligations and rights of each individual are determined by their caste. As a result, Manusmriti has often been criticized for reinforcing hierarchical and non-egalitarian social structures, restricting the rights of individuals based on their caste status.

Meanwhile, Yajnavalkya Smriti emphasizes more on the application of law in a practical and applicable context. Compiled by Yajnavalkya, a rishi in the Hindu tradition, this text is often considered more pragmatic compared to Manusmriti. Yajnavalkya Smriti focuses on social justice, legal procedures, and law enforcement that are more

detailed and organized. The text covers a wide range of topics, including regulations regarding marriage, trafficking, and crime, with an approach that is more based on real-life situations and practical needs. In contrast to Manusmriti, Yajnavalkya Smriti pays more attention to court procedures and regulations that are fair to the entire society, not just to certain caste groups.

Dharma in Indian law is not just a set of rules but a guiding principle of justice, where the duties and responsibilities of each individual are shaped by their position in society. The concept is not static but evolves over time, adapting to new social, economic, and political realities. India's approach to ancient law is holistic, integrating personal obligations (Dharma) with social order, thus emphasizing a balance between individual rights and the collective good. The Dharma principles in ancient Indian law emphasized social justice and balance, which are highly relevant to modern international law, especially in respecting human rights and social well-being while confronting tensions between state sovereignty and international cooperation.

Dharma encourages the application of the principles of natural law, which demands that law must be based on universal morals and ethics, and regulate relations between countries with mutual respect and justice. Although the application of these principles is often hampered by the political and economic interests of major powers, reforms in the approach to international law are needed to create a fairer balance between state sovereignty and global collective goals.

The history of law in India, built on ancient traditions that emphasized the principles of justice and social responsibility, has made a significant contribution to the development of modern principles of international law. This is especially evident in efforts to find a balance between state sovereignty and international cooperation. Through diplomatic practice and evolving norms from texts such as Manusmriti and Yajnavalkya Smriti, India shows how moral values can be integrated into the global legal framework. This approach is particularly relevant in addressing contemporary challenges, such as human rights, climate change, and international security.

C. Novel

One of the most significant legal systems that the world has ever existed is Roman law. These laws served as a major pillar in Ancient Roman society and served as the foundation for various modern legal systems due to their complexity and flexibility. This includes Civil Law applied in many countries in Asia, Latin America, and Continental Europe. The Roman legal system, which developed gradually over the centuries,

reflected the political, social, and economic dynamics of Roman society. As a multicultural and multiethnic empire, Rome faced the unique challenge of creating a legal system that could accommodate cultural diversity without sacrificing central authority. To overcome this challenge, the Romans developed a flexible legal framework by distinguishing between *ius civile* and *ius gentium*.

Ius gentium, or the law of nations, is one of the most fundamental legal concepts that reflects the efforts of Roman civilization to create universal rules in an increasingly multicultural world (Fedeles, 2020). The concept was originally designed to bridge legal differences between Roman citizens and foreign nations, thus allowing for the creation of harmony in trade, diplomacy, and cross-cultural interaction. This law was distinguished from *ius civile*, which only applied to Roman citizens. The explanation refers to the principle of natural law (natural law) that underlies universal justice. Over time, the understanding of *ius gentium* developed, especially in the 17th century, when the term began to transform into *ius inter gentes*, a term that emphasized aspects of relations between countries and became the foundation of modern international law.

The separation between *ius civile* and *ius gentium* reflects the efforts of Roman society to balance the need to maintain Roman legal identity with the need to regulate legal relations with the various cultural groups present within the empire. This legal system became the foundation for the development of law in Europe and the Western world, and continues to influence the contemporary legal system. Over time, *ius gentium* has become increasingly associated with the concept of international law. Medieval scholars conducted an in-depth analysis of the interaction between *ius gentium* and *ius naturale* (natural law), as well as the exclusive application of *ius gentium* in the context of foreign relations, in contrast to *ius civile* which was more related to domestic law (Lesaffer, 2022).

The application of *ius gentium* in the field of international trade shows the importance of the legal framework that governed the relationship between Roman and non-Roman traders. This concept allows cross-border transactions to take place in an orderly and fair manner, by regulating elements such as contracts, dispute resolution, and the protection of merchants' rights, which are the basis of modern international trade law. In addition, *ius gentium* also contributes to the regulation of diplomatic relations between countries, including norms related to diplomatic recognition and the protection of diplomats. These principles are the foundation for international conventions that establish

the rights and obligations of diplomats in foreign countries, thus facilitating safe and effective communication between countries.

Furthermore, *ius gentium* plays an important role in the development of international humanitarian law, by protecting individuals in situations of armed conflict through the principles of universal justice. This concept underlies many modern international conventions, including the Geneva Conventions, which aim to protect victims of war, such as prisoners, civilians, and the wounded. Thus, *ius gentium* was not only a legal concept of its time, but also the foundation for various rules of international law that remain relevant today. Modern international law is based on several key principles rooted in *ius gentium*.

- Lex Rei Sitae (Lex Situs) stipulates that the law that applies to an item is the law in which the item is located, especially in the context of property and trade.
- Pacta Sunt Servanda, which means treaties must be respected, reflects fairness and trust as the basis of international relations. Meanwhile,
- The humanitarian principle emphasizes respect for human rights without discrimination, being the basis for modern instruments such as the Universal Declaration of Human Rights. These principles demonstrate the continuity of the value of *ius gentium* in current international law.

Ius civile, in the Roman legal system, was a law specifically designed to regulate the lives of Roman citizens (*cives Romanus*), which can be translated as "civil law." As one of the main pillars of the Roman legal system, *ius civile* represented the sovereignty of domestic law that distinguished Roman citizens from other groups under imperial rule. *Ius civile* covers various aspects of daily life, including contracts, inheritance, ownership, and family. In contrast to *ius gentium* which regulates relations between nations and cultures, *ius civile* focuses on the norms that apply in the context of Roman society. As a foundation for dispute settlement and the enforcement of individual rights, *ius civile* provided the necessary structure for regulating social and economic interactions within Roman society. This law creates stability and order in people's lives. In the context of a vast empire, in which various cultures and laws interacted, *ius civile* affirmed the identity and privileges of Roman citizens, providing them with legal protections that were not available to non-citizens.

The main characteristic of ius civile, lies in its exclusivity which only applies to Roman citizens (*cives Romanus*). This law did not cover foreigners (*peregrini*), thus granting privileges to Roman citizens. These rights include land ownership, the right to

marry according to Roman rules (*conubium*), and the right to participate in legal proceedings. In addition, *ius civile* is sourced from the local traditions of Roman society. These laws are traditional, derived from custom, and strengthened by laws such as the Law of the Twelve Tables (*Lex Duodecim Tabularum*), which was drafted in the 5th century BC. Many of the rules in *ius civile* are based on strict legal formalities and procedures to maintain social stability.

This law also governed the daily life of Roman citizens in various aspects. In family law, *ius civile* governs marriage, adoption, and inheritance. In property law, there are rules regarding land ownership, property transactions, and protection against theft. Meanwhile, in contract law, *ius civile* regulates agreements, debts, and domestic business transactions. With this scope, *ius civile* became an important foundation for Roman social life and law. Difference between *ius gentium* and *ius civile*.

Table 1. Diff table

Aspects	Ius Gentium	Civil Ius
Subject	Valid for Roman citizens and foreigners	Only for Roman citizens
Scope	It is universal, regulating cross-cultural relationships	Limited to Roman society
Legal Source	Common legal principles that are considered universal	Local traditions, customs, and local laws
Characteristic	Flexible, pragmatic, and adaptable	Formalistic, procedural, and rigid

In summary, the main difference between *ius civile* and *ius gentium* lies in how they are used and used. *Ius civile* regulates domestic relations, while *ius gentium* regulates international relations. To understand this, we must understand how these two ideas contributed to the development of contemporary international law. The role of *ius civile* did not stop during Roman rule. This law introduced concepts such as contracts, property, and obligations, which are the basis of modern private law, particularly in the civil law system. This is evident in the *Corpus Juris Civilis* created by Emperor Justinian in the 6th century, which later became an important source of law in Europe during the Middle Ages onwards (Sikri, 2024).

D. Islam

The outside world influences law, including religion, philosophy, economics, culture, and politics. These influences affect how and what law itself, including international law. Although international law is often associated with the heritage of European countries, its influence on non-Europeans, especially Islamic legal traditions,

is also enormous. Based on a theoretical perspective on the relationship between religion and international law, currently the development of international law reflects more of the *double-edge* theory (Powell, 2020). This means that religion still has an important role and value as a source of law in the formation of international law. Islam, as one of the religions with the largest number of adherents in the world, can serve as one of the sources of law in this context.

In general, Islamic law can be divided into three categories: first, laws related to faith or faith; second, laws related to morals; and third, the law related to the actions of individuals who are subject to obligations (*mukallaf*). Modern international law is the result of negotiations and interactions between various interests from both sides of the ocean. Various aspects of international law, including diplomatic law, human rights, the law of war, and conflict resolution and peace processes, are significantly influenced by Islamic law. The influence of Islam shows that international law stems from the cooperation of various nations around the world, each of which contributes universal principles to shaping global law.

The religious traditions and history of Muslim societies have a strong relationship with Islamic law. Initially, Islamic law, called *shari'a*, was created based on revelations found in the Qur'an and the Sunnah of the Prophet Muhammad. After the arrival of revelation, scholars and scholars perform *ijtihad* to interpret the law. Over the years, Islamic law has developed through various schools of jurisprudence, such as Hanafi, Maliki, Shafi'i, and Hanbali.

- Hanafi: Known as the most flexible sect, Hanafi prioritizes the use of reason and rational analysis in the interpretation of law
- Maliki: Placing the customs of the people of Medina as a source of law, and considered a representation of the life of the Prophet Muhammad.
- Shafi'i: Asserts that consistency in the use of the Qur'an and the Sunnah is very important, and he also uses *ijma'* and *qiyas* as additional means.
- Hanbali: Hanbali is notoriously conservative and uses legal resources exclusively. They emphasized the text of the Qur'an and the Sunnah.

Each school prioritizes the way they understand legal texts. Then the main components of the basis of Islamic law include:

- The Qur'an is the primary source of law, which includes moral and legal principles.
- Sunnah is the words and actions of the Prophet Muhammad that serve as an example of law.

- Ijma is in the form of the approval of scholars regarding new legal issues.
- Qisas is a

Fiqh al-Siyar is a branch of Islamic jurisprudence that regulates international relations, especially between Muslims and non-Muslim communities. This branch of law covers various aspects, such as diplomatic relations, war, peace, and international agreements. In response to the needs of Muslims in interacting with the outside world, Fiqh al-Siyar provides guidance based on sharia principles. One of the main figures who contributed greatly to the development of this discipline was Imam Al-Shaybani, whose work *Kitab Al-Siyar Al-Kabir* became an important reference. With a comprehensive ethical and legal framework, Fiqh al-Siyar offers a legal basis for Muslims to conduct international relations in a fair and peaceful manner.

In the classical study of Islamic law, the world is divided into two main regions, namely *Dar al-Islam* and *Dar al-Harb*, each of which has a special meaning and characteristics. This division is based on the application of Islamic law in the region, as well as the relationship between Muslims and non-Muslims. *Dar al-Islam* refers to the territory that has been controlled by Islamic rule and where Islamic law is fully applied. Meanwhile, *Dar al-Harb* is a region whose legal system does not apply Islamic law and is often considered a potential threat or place of conflict.

Dar al-Islam is defined as a region that recognizes the political power and law of Islam, where Muslims can practice their religious teachings freely. This region is a symbol of a country or region that is considered safe for Muslims, where they can carry out worship and socio-political life based on sharia. In contrast, *Dar al-Harb* is a territory outside Islamic rule, a place that according to classical views is considered a place where conflicts can occur, both ideologically and geopolitically. In traditional view, the relationship between the two regions is often seen in the context of tension and conflict, with the possibility of war as a result of differences in legal and religious systems.

However, this view is not always true in practice. Despite the tensions, relations between *Dar al-Islam* and *Dar al-Harb* can also be established through diplomatic and trade channels. In many cases, these regions have more pragmatic relations, such as through peace treaties and mutually beneficial political alliances. However, in the classical context, there is an understanding that the relationship between these two regions is always in a condition prone to confrontation, especially when there is a threat to the existence and interests of Muslims.

The concepts of Dar al-Islam and Dar al-Harb changed along with the development of Islamic legal thought. Many Islamic scholars and scholars are pushing for a reinterpretation of this division in today's more connected and pluralistic world. They reject the archaic perspective of prioritizing conflict by emphasizing international cooperation, mutual respect, and maintaining world peace. Therefore, although the division of Dar al-Islam and Dar al-Harb has historically shown tensions between regions that apply Islamic law and those that do not, modern understanding emphasizes the importance of peaceful relations and cooperation between nations without considering differences in religion and legal systems. Although they come from the past, these ideas are still relevant in international legal conversations and the context of modern relations between countries.

The history of law, including the contributions of Islamic law and *fiqh al-siyar*, shows that the advancement of international law occurred through the process of integrating religious and national values into a broader framework. Over the years, principles such as fairness, compliance with treaties, and protection of individual rights have proven to be acceptable values for various cultures. The Charter of the United Nations (UN) and contemporary international law, which aims to balance multilateral cooperation and state sovereignty, can demonstrate this contribution. Sharia as the foundation of Islamic law offers universal rules rooted in Allah's revelation, providing moral and ethical legitimacy in international relations.

Fiqh al-siyar distinguishes between Islamic (*dar al-salam*) and non-Muslim (*dar al-kuffar*) states, where *dar al-salam* is expected to spread Islamic law through diplomacy. The theory of *fiqh al-siyasah* emphasizes that the state of *dar al-salam* must carry out Islamic law, including handing over criminals to be tried according to Islamic sharia in the destination country. In international relations, Islamic law provides a moral and ethical framework that is universally recognized through Sharia. With the concept of *dar al-salam* (peaceful area) and *dar al-kuffar* (non-Muslim area), *fiqh al-siyar* regulates diplomacy between countries to achieve peace by prioritizing Islamic values. The state of *dar al-Salam* has a responsibility to expand the influence of Sharia, especially through a peaceful and non-coercive approach.

In addition, *fiqh al-siyasah* supports the implementation of Islamic law in resolving transnational conflicts, including handling crimes. The handover of actors to sharia-based countries reflects international cooperation that upholds justice in accordance with Islamic principles. In the context of international law, *fiqh al-siyar*

emphasizes the importance of diplomacy and peaceful settlement of disputes, which can help prevent global conflicts. They encourage countries to prioritize dialogue and negotiation rather than using violence or confrontation to resolve problems. This is especially important when we live in an era of globalization, where many countries are interdependent on each other and conflicts can easily have a major impact.

To build a fair and sustainable trade system, the concept of Islamic solidarity, which is the basis of *fiqh al-siyar*, can be applied. By emphasizing fairness and balance in transactions, these principles encourage economic and trade cooperation between countries. In the modern context, this means building economic cooperation that considers the welfare of all parties in addition to the interests of one party. Therefore, *fiqh al-siyar* can serve as a basis for the establishment of international trade agreements that are not only ethical but also mutually beneficial, but also promote sustainable progress. Islamic law, through the principle of equality enshrined in *fiqh al-siyar*, promotes the recognition of individual rights, which is a fundamental element in modern international law.

Fiqh al-siyar, emphasizing the principles of justice and equality, underscores the importance of protecting human rights as an integral part of international relations. Islamic law, through *fiqh al-siyar*, provides a framework that supports the recognition and protection of individual rights, including the right to life, the right to education, and the right to participate in government. This is in line with the development of international law which increasingly emphasizes the importance of human rights as a universal norm. Thus, Islamic law, through *fiqh al-siyar*, has made a significant contribution to the development of modern international law, especially in terms of the recognition and protection of human rights.

E. Modern and Contemporary times

To understand the evolution of international law from the modern era to the contemporary era, it is important to analyze the basic ideas that led to such developments. One of the key figures in the formation of modern international law was Hugo Grotius, who in the early 17th century provided an intellectual framework for the principles governing relations between states. His work, *De Jure Belli ac Pacis* (1625), introduced the concept of natural law as a universal moral order that transcends religious and political boundaries, which has an effect on the international legal system. His theories of just war, the equality of sovereign states, and the binding nature of treaties form the

foundation of modern international law. Hugo Grotius developed his theory in the context of a Europe plagued by deep political and religious conflicts.

Especially during the Thirty Years' War, a brutal war between Catholic and Protestant countries. The main goal is to create a legal order that can transcend these divisions and encourage peaceful coexistence among nations. At the center of Grotius' philosophy lies the concept of natural law. In contrast to the conventional view that law originates from divine commands or the will of rulers, Grotius argues that certain principles of justice are bound to human nature and can be accessed through reason. These natural laws are universal and apply to all individuals, regardless of time, place, or religion. Grotius believed that the laws of nature still exist even if God does not exist, because they are rooted in man's rational abilities.

The assertion that natural law applies to all individuals and nations, regardless of religious doctrine, marks a significant shift in previous legal thought and paves the way for the application of secular legal principles in the realm of international relations. The war theory proposed by Hugo Grotius is a significant breakthrough in legal and ethical thinking. He argued that war could only be justified under certain conditions, such as self-defense or the recovery of stolen assets. Grotius also introduced a distinction between public and private wars, asserting that only sovereign states have the legitimate right to wage war, not individuals. Furthermore, he established fundamental principles for the conduct of war, emphasizing that war must be proportionate and aimed at achieving peace.

Grotius paid attention to the protection of non-combatants and advocated moderation in armed conflict, which became the cornerstone of what is now known as modern humanitarian law. In addition to his contribution to the ethics of war, Grotius is recognized as a pioneer in the formation of the concept of state sovereignty in the context of international law. He argued that all countries have equality under the law, regardless of their size or strength. This principle of sovereign equality, along with the emphasis on natural law, contributes to the creation of a framework for international relations based on mutual respect and legal obligations. Grotius also emphasized the importance of agreements and agreements between states. He introduced the principle of *pacta sunt servanda* (agreements must be observed), which remains a pillar in international law to this day.

According to Grotius, although treaties affirm legal obligations, there are certain moral obligations that exist independently of the treaties, rooted in the principles of

natural law. The Treaty of Westphalia signed in 1648 marked a significant milestone in the evolution of international law and the concept of state sovereignty. Agreed at the end of the Thirty Years' War, this treaty established the principles of equality of sovereignty and non-intervention, two fundamental ideas that form the basis of modern international law. The treaty recognizes the independence of states and strengthens the argument that no foreign power has the right to interfere in the internal affairs of other countries.

Grotius' thinking about state sovereignty and international law greatly influenced the dialogue that took place during the Treaty of Westphalia, where the concept of a legal order based on equality between sovereign states began to take shape. Grotius's work, along with the political changes brought about by the Treaty of Westphalia, contributed to the shift of the international system from the domination of religious and imperial authority to a system based on equality of sovereignty and legal agreements. The treaty and the principles contained therein became the foundation for the modern international system projected by Grotius a system in which states interacted under the framework of universal principles of justice and morality, based on natural law.

In the context of the formation of the principles of international law, Hugo Grotius' thinking and the Treaty of Westphalia provide a deeper insight into the challenges faced by contemporary international law, particularly in balancing the sovereignty of states with the need for global cooperation. On the one hand, the principle of state sovereignty stated in the Treaty of Westphalia provides legitimacy for states to maintain full control over their domestic affairs. On the other hand, Grotius' idea of a universal moral obligation, as well as the need for fair and respectful interactions, emphasizes the importance of international cooperation in confronting shared global challenges, such as climate change, peace, and human rights.

As such, these principles remain the foundation in the quest to maintain a balance between national interests and the need to collaborate for the global good. In modern diplomacy, Hugo Grotius' thinking and the principles reflected in the Treaty of Westphalia are crucial because they both provide the moral and legal basis necessary to create more just and stable international relations. These two concepts form a key pillar of international diplomacy by combining the right of states to safeguard their sovereignty with the need to interact peacefully and cooperatively in the face of international challenges challenges (Zreik, 2021).

5. CONCLUSION

The evolution of the history of international law reflects the rich and complex interactions between different civilizations, which have shaped the legal structures we know today. In this study, the great contribution of ancient Greece was highlighted, where Solon's reforms prioritized the values of justice and individual rights, which became the foundation for the principles of modern democracy. In India, the principles of the Dharma provide significant moral guidance, influencing the development of legal thought. On the other hand, the Roman Empire through the development of *ius gentium* created the norms that governed international relations, while *fiqh al-siyar* in Islamic jurisprudence introduced the concept of humanity in warfare and trade.

The Treaty of Westphalia marked an important point in the strengthening of state sovereignty, which further had a major impact on the establishment of modern international law. Hugo Grotius then introduced the codification of natural law, which further emphasized the importance of justice and cooperation between countries. Overall, this analysis highlights how the legacy of historical law provides guidance in facing current challenges, namely balancing state sovereignty with the need for global collaboration, and emphasizes the importance of an adaptive legal framework for resolving contemporary issues.

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