

RIGHTS OF FOREIGN NATIONALS IN ISLAMIC COUNTRIES (PART 2 OF 2)

Rating: 5.0

Description: This two-part article series discusses the rights of non-Muslims living in Islamic countries. Part 2 defines who are the “people under a covenant” and lists the rights of such non-Muslims.

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2- The rights of foreign nationals in Islamic countries

In this context, the word "foreigner" is to be understood as a modern legal term. It refers to those who reside in a country other than the country of their legal nationality. In order to address this issue, I will explain the Islamic legal term of "people under a covenant" and show that it applies to non-Muslims who enter a Muslim country as ambassadors, workers, businesspeople, tourists, and visitors.

In Islamic Law, the people under a covenant are defined as: the subjects of a non-Muslim country who enter a Muslim country within the context of a treaty or international agreement that implies peace or mutual interest.

In other words, anyone who has permission to enter a Muslim country falls under the legal rulings of one who is under a covenant, regardless of their purpose for doing so. This ruling entails the following:

1. If a Muslim country admits foreigners within its borders, that country is responsible to protect them and guarantee their safety. It must prohibit anyone to harm them or transgress against their persons or their wealth. Whoever transgresses against them is a lawbreaker deserving of the criminal punishments elaborated in the legal texts for that crime, and the state is obligated to carry out the punishment against the perpetrator.

Regardless of the reason why the person entered the country, the murder of a person under a covenant is a major sin in Islam. It is enough that Prophet Muhammad said: "Whoever kills one with whom we have a covenant will not smell the scent of Paradise, though its fragrance can be detected from the distance of a journey of forty years."^[1]

It should be emphasized that in the event a person under a covenant commits a crime, it is not up to the people, but the state, to punish them. The state has exclusive jurisdiction to prosecute the criminal through the proper procedures of the judicial

system. Guilt must be established in a court of law and then sentencing must take place in accordance with the law.

It is a crime to transgress against people under a covenant in any way, whether the transgression is murder, assault, robbery, or slander. The Prophet said: "God will deny Paradise to any person who murders someone with whom we have a covenant, and he will not even smell its fragrance."^[2]

He also said: "It is not permissible to receive the wealth of those with whom we have a covenant except through a lawful transaction."^[3]

2. Foreign residents of a Muslim country have the right to practice their own religion and teach their faith to their children, with the condition that they do not proselytize to the Muslims or try to spread their faith throughout the Muslim society.
3. As long as those under a covenant abide by the law, they cannot be publicly disgraced in any way or insulted because of their religion. They cannot be slandered.
4. They have the right to travel, the right to assembly, the right to avail themselves of all public services, and the right to reside where they wish. The only exceptions to the right to residence are the sacred precincts within the cities of Mecca and Madinah. They can associate with anyone they like, and they have equal rights to all public amenities like water, public parks, public transportation, and the marketplace.
5. Islam permits foreign residents to remain upon their own religious beliefs as long as they do not make their religious practices overtly conspicuous to the Muslim population or proselytize to them. They cannot be compelled to accept Islam. They have the right to learn their religion and teach it to their co-religionists. They are allowed to establish religious schools for themselves so they can teach their children.
6. They have the right to own property, to earn an income, and to engage in commerce in the Muslim country. However, they may not sell anything that is unlawful in Islam, even if it is permitted in their own faith. They are permitted to avail themselves of all public resources, like firewood, pastureland, and wild game, according to the laws of the land.

Footnotes:

[1] *Saheeh Al-Bukhari*

[2] *Musnad Ahmad*

[3] *Sunan Abi Dawud*

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