

# Legal Provisions Regulating Diplomatic Activity Under the Vienna Convention from the Perspective of International Islamic Law

Abdalla Saeed Ahmed Binyarouf Alnaqbi, Prof. Dr. Arieff Salleh  
Bin Rosman

Academy of Islamic Civilization, Faculty of Social Sciences and Humanities, University  
Teknologi Malaysia (UTM), Malaysia.

Emails: uae\_2@hotmail.com, aswar@utm.my

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v13-i9/18580> DOI:10.6007/IJARBSS/v13-i9/18580

**Published Date:** 16 September 2023

## Abstract

International relations have been a cornerstone in building international cooperation and coordination. This study aims to identify the legal provisions regulating diplomatic activity under the Vienna Convention from the perspective of international Islamic law. The researcher adopted the qualitative approach to collect the data, in addition to using the interview for collecting specific information. The importance of this study stems from the fact that it addresses the legal texts that establish the development of the rules regulating the immunity of diplomats, explaining their elements, and the possibility of implementing them at the legislative level. The study reached several recommendations the most prominent of which is the need to hold an international conference to make the necessary amendments to this agreement in a way that is compatible with the situation of the modern international community.

**Keywords:** Convention, Vienna, Islamic Sharia, International Law.

## Introduction

Exchanging diplomatic envoys and sending them from one country to another is an ancient tradition. It began in the form of sending the envoy to carry out certain tasks and then returning after completing them. When contact between countries increased and they entered into relations with each other according to what their interests required, the system of permanent envoys was established to develop these interests and establish cooperation between countries (Al-Abbasi, 2014) A set of intby Variousrules and norms related to diplomatic immunities have been repeated throughout history, which dealt with and regulated the immunities granted to diplomats, as well as the headquarters of diplomatic missions in various countries, until the Vienna Convention on Diplomatic Relations of 1961 came to codify these rules in an agreement that was accepted by Various countries. It

represents a legal obligation that made it one of the most important international conventions that shall be followed and adhered to (Al Reda, 2006).

Islamic jurisprudence was no less active in its historical stages during the prosperity of the Islamic State over more than nine centuries, active relations arose between the Islamic regions. On the one hand, relations with some non-Islamic countries flourished just as they worsened with some of them, on the other hand. During that long period, legal rules crystallized to regulate these international relations. Muslim jurists contributed to defining their features and controls. They were also active in providing appropriate solutions to the problems of relations with non-Islamic countries. A number of jurists have recorded some of these rules in their jurisprudential works, especially with regard to the system of exchange of ambassadors, correspondence and its rules, treaties, immunities and diplomatic privileges (Abu Al-Wafa, 1990).

The Vienna Convention on Diplomatic Relations 1961 defined the framework of diplomatic immunities and privileges based on three main axes; the first axis relates to the permanent diplomatic mission and its assets, while the second axis relates to the work of the diplomatic mission, including tasks and functions, and finally the third axis relates to the person of the diplomatic envoy and is generally based on general principles and a set of concepts and theoretical foundations, especially in the field of the diplomatic function, as well as in the areas of the source of diplomatic immunities and privileges (Abu Ubada, 2009).

### **Background of the Study**

Diplomatic relations are based on a set of principles and foundations that have made diplomatic representation a special entity, represented by a special method and a specific approach, and a profession with multiple functions and purposes. Diplomatic representation has witnessed various forms of practice that are all unified and centered around one basic rule, which is that diplomats enjoy immunities and privileges for the purposes of facilitating diplomatic work and allowing them to secure exchange and communication between peoples and countries. This is what was stated in the preamble to the Vienna Convention in 1961, which led to the existence of a correlation between immunities and privileges and diplomatic work (Khalaf, 2018).

Diplomatic representation, its provisions and rules were previously crystallized in customary international agreements. After the entry into force of the Vienna Convention on Diplomatic Relations at the conclusion of the work of the International Conference on Diplomatic Immunities under the auspices of the United Nations on April 14, 1961, it was considered the legal source and basis regulating these immunities and privileges, and it controls the legal relationship between the diplomatic representatives and the authorities of the state to which he is accredited.

This agreement is also considered a legitimate one, meaning that it is a source of public international law. It regulates public international interest and establishes legislative rules. Diplomatic immunities do not arise through an agreement between the two states to which they are accredited. Rather, states are obligated to the provisions contained in the Vienna Convention in accordance with the rules of public international law. If a state violates the provisions of this agreement, it is considered a breach of an international legal obligation between states and leads to prejudice to the integrity of the exercise of diplomatic work (Sabarini, 2012).

The legal foundations for peaceful coexistence between peoples and the resolution of disputes through diplomatic means were laid by assigning the International Law Commission

to prepare a draft international agreement to codify the customary rules governing diplomatic relations, which was approved by an international conference in Vienna in 1961, and its rules became binding on all party states. Any violation from any state will make it subject to legal accountability to ensure the strengthening and development of relations between countries and peoples and preserve international peace and security (Al-Abbasi, 2014).

### **Problem of the Study**

The main purpose of this study is to clarify the legal provisions and rules regulating diplomatic activity under the Vienna Convention from the perspective of international Islamic law. In other words, it identifies the limits of commitment to diplomatic immunities in international diplomatic law, represented by the Vienna Convention on Diplomatic Relations of 1961 from an Islamic perspective, by reviewing the development of the rules regulating the immunity of diplomatic envoys in accordance with the Vienna Convention on Diplomatic Relations, and explaining its substantive scope, in addition to clarifying the obligations of the receiving state when transgressing through examining and analysing legal texts in light of the factors, principles and provisions of public international law and Islamic international law. Accordingly, the problem of the study can be crystallized in the need to highlight several points. First, the legal provisions and rules regulating diplomatic activity under the Vienna Convention from the perspective of international Islamic law. Second, the adequacy of the Vienna Convention on Diplomatic Relations of 1961 in establishing immunity. Third, international obligations to protect diplomatic missions in the form of explicit legal texts. Forth, the legal alternatives in the Islamic system and jurisprudence to fill the legislative vacuum in the Vienna Convention on Diplomatic Relations?

### **Objectives of the study**

This study seeks to achieve the following objectives

- (1) Defining the concept of diplomatic representation in international law and Islamic jurisprudence.
- (2) Identifying the legal provisions regulating diplomatic activity under the Vienna Convention from the perspective of international Islamic law.
- (3) Clarifying the scope of application of diplomatic custody and international responsibility for violating the limits of protection of diplomatic missions in the Vienna Convention from the perspective of international Islamic law.

### **Study Questions**

This study seeks to answer the following questions:

1. What is the concept of diplomatic representation in international law and Islamic jurisprudence?
2. What are the legal provisions regulating diplomatic activity under the Vienna Convention from the perspective of international Islamic law?
3. What is the scope of application of diplomatic immunities and international responsibility for violating the limits of protection of diplomatic missions in the Vienna Convention from the perspective of Islamic international law?

### **The Importance of the Study**

The importance of the study is as follows

(1) There is an increased interest in diplomatic missions in the third millennium, because through these missions countries have been able to achieve various economic, social, political and cultural goals, achieve international peace and security, and avoid armed conflicts with other countries.

(2) It addresses the legal texts that establish the development of the rules regulating the immunity of diplomats, explaining their elements, and the possibility of implementing them at the legislative level.

(3) It clarifies the state's responsibility in the event of criminal incidents or terrorist operations against members of the diplomatic mission or members of the consulate, in their personal capacity.

(4) Diplomatic representation has two aspects, one of which is positive, represented by the ability to send envoys to represent the state in other countries, and the other is negative, represented by the ability to receive envoys of other countries. The diplomatic representation of the state is proven as a natural result of the principle of state sovereignty, as through this representation states confirm their existence.

(5) It determines the elements of international responsibility on the State to which the diplomatic mission is accredited. In the event that it does not fulfil its obligations in accordance with the principles of public international law and the Vienna Convention on International Relations.

### **Literature Review**

Sharqa (2016) study entitled "The extent to which diplomatic protection is compatible with developments in international relations" addressed the problem of compatibility between diplomatic protection and various changes and developments taking place in international relations from multiple perspectives. It is an attempt to bring closer visions on this issue through identifying to what extent it is possible to determine the compatibility between diplomatic protection and developments in the field of international relations, especially with regard to the issue of human rights. The study relied on the historical approach by mentioning the historical circumstances and developments of diplomatic protection and the historical facts of some issues related to human rights. It adopted the analytical approach by analyzing the variables and elements associated with diplomatic protection. The study aimed to highlight the nature of diplomatic protection and its various components, clarify the mechanisms in place in diplomatic protection, contrast the relationship between diplomatic protection and international responsibility, and analyze the various necessary mechanisms in resorting to regional international bodies.

Al-Hawajri's study (2016) entitled "Reciprocity in International Relations in Islamic Jurisprudence" aimed to prove that Islamic jurisprudence with its comprehensive rules and theories is capable of confronting reality and keeping pace with it, and that one of the duties of scholars and researchers is to uncover these theories and rules and link them to reality through rooting and analysis so that the Islamic State can deal with others on the light and guidance of Allah. The topic of reciprocity in international relations comes to fill a gap and build a foundation in this future edifice. The study of reciprocity in ancient Islamic jurisprudence has been limited to specific cases related to retaliation and some judges of prisoners to show the positive effects of applying the rule of reciprocity in international relations. The study reached a conclusion that there is a need to mature it so that it becomes suitable for implementation as a call to Muslims to begin to adopt Islamic legislation in their foreign relations.

Al-Antali (2017) study entitled "Rules Governing Diplomatic Immunities" sought to introduce diplomatic immunities, their historical development, and explain the responsibility of the state's legislative, executive, and judicial authorities, as well as clarifying the responsibility of individuals in the event of transgression within the scope of a diplomatic person's immunity, in addition to explaining the peaceful means of resolving diplomatic disputes in the event of a conflict arising between the accredited state. Regarding the application of the provisions of the Vienna Convention on Diplomatic Relations, the study also covered the issue of the responsibility of the receiving state for the actions of its three authorities and the actions of individuals in accordance with the provisions of public international law. The study concluded that the standard for assessing the necessary precaution varies according to the degree of the threat. The prevailing conditions in the receiving country, the preventive measures that are taken on normal days differ from those taken in difficult times that include demonstrations and internal disturbances.

Al-Jaabari's study (2019) entitled "The Legal Center for Diplomatic Missions Accredited to Palestine" aimed to identify the legal center for diplomatic missions accredited to Palestine and the legal basis for recognizing the State of Palestine as a subject of international law and the legal implications resulting from Palestine obtaining membership in the United Nations and that the State of Palestine is a special and exceptional case as it is under the control of the Israeli occupation and the legal status of diplomatic missions accredited to Palestine due to the large number of questions after the State of Palestine obtained the status of a non-member observer state in the United Nations. This contributed to the signing of many agreements, including those related to diplomatic work and diplomatic recognition from several countries. It also contributed to changing the international perception of Palestine's diplomatic status. The study reached several results, the most important of which is that Palestine is a subject of international diplomatic law, represented by the Palestine Liberation Organization, raising the level of diplomatic representation from representations and consulates to a full embassy. Palestine's accession to the Vienna Convention on Diplomatic Relations in 1961, entails legitimate rights of the Palestinian people and requires the continuity of the diplomatic relationship between the State of Palestine and the Hashemite Kingdom of Jordan, for example, through the representative office located in Ramallah, special treatment by providing diplomatic immunities and privileges. This will contribute to the full performance of the tasks of the representatives of the Jordanian diplomatic mission.

Bayda (2019) study entitled "International Protection of the Diplomatic Envoy in Armed Disputes" aimed to indicate that during armed conflicts, the diplomatic envoy and diplomatic means enjoy double protection. This matter is guaranteed on the one hand by the Vienna Convention on Diplomatic Relations in 1961 and on the other hand by the Fourth Geneva Convention in 1949 and the first subsequent additional protocol in 1977, by describing the diplomatic envoy as civilians and means of civilian objects. Therefore, attacking the diplomatic envoy or diplomatic means is considered a grave violation and considered war crimes under the Statute of the International Criminal Court and the protection that the diplomatic envoy and diplomatic facilities enjoy, especially since it is a double protection. The study reached several results, the most important of which is that the diplomatic envoy enjoys double protection. In accordance with the Vienna Convention on Diplomatic Relations in 1961, he enjoys immunity from detention or arrest, the necessary respect, prevention of assault, and provision of all facilities to enable him to leave the territory in the event of an armed conflict.

## **Methodology**

In this study, the researcher adopted the qualitative approach. To collect information related to the current study, the researcher relied on examining theoretical literature, books, jurisprudential references, and international agreements related to the subject of diplomatic immunities in the Vienna Convention and Islamic international law, by relying on the text analysis method to collect data and legal information from relevant legal, jurisprudential, and judicial sources and references. The researcher also relied on conducting personal interviews with members of the diplomatic corps in the United Arab Emirates to learn about the scope of the application of diplomatic immunities and international responsibility for violating the limits of the protection of diplomatic missions in international law and the Islamic system, and to explain the effects of the envoy exceeding the limits of diplomatic immunities and privileges according to what was stated in the Vienna Convention on Diplomatic Relations compared to international Islamic law, and finally, identifying how diplomatic immunities and privileges end. This was conducted according to a scientific methodological approach that relied on standards of accuracy and methodological discipline, as is done in qualitative research.

## **Discussion**

### **The legal system for diplomatic envoys in international law and the Islamic system**

International law guarantees privileges and immunities for the diplomatic missions, which require abidance - within certain limits - with the laws and authorities of the receiving State. The receiving State may grant other privileges to diplomats in general, or ambassadors in particular as a matter of courtesy. They cannot waive it, even if it is permissible for the sending state alone, and what is required of these diplomatic immunities and privileges is that the diplomat is not subject to the laws and authorities of the receiving state (Al-Fajr, 2017). When the area of the Islamic State expanded and the influence of its rule extended in light of the expansion of the Islamic conquests around the world, life flourished in all its aspects, especially in the political sphere, and moral standards that improved the situation of Islam, exalted its value, and purified the political and social arenas of everything that might harm behaviour.

International custom has established that the sending state has a right in the strict legal sense, corresponding to an obligation on the part of each of those accredited to it in a certain way, as a result of their enjoyment of specific privileges and immunities of various kinds, in addition to regulating relations between people in their dealings, communications, and relationships, and defining the job of the ambassador within the scope of virtue and transcending everything that harms relations between countries (Abdul Razzaq, 2018).

If traditional diplomatic law was, for a recent period, a customary law, then the signing of the Vienna Convention on Diplomatic Relations in 1961 changed that as the agreement codified the existing customary rules, and after that the primary source of diplomatic law became the written law, which is the collective treaty. However, this does not prevent customary rules from playing an important role in organizing international relations. The Vienna Convention on Diplomatic Relations in 1961 stipulated in its preamble the following: Stressing the necessity of the continuation of the rules of customary international law in regulating matters not expressly regulated by the provisions of this Convention (Abdel Hamid, 2006).

### **International treaties as a source of diplomatic immunities**

Article (2) of the Vienna Convention in 1969 defines a treaty as an international agreement concluded between states in a written form and regulated by international law, whether it is contained in one document or two or more related documents and whatever its specific name. The treaty is the first source of the public international law as it expresses the state's explicit will and its international obligations (Al-Bakri, 1986).

Some international agreements, such as the Treaty of Westphalia in 1648, established the first references to the rules of diplomatic law, and the Vienna Convention in 1815 set some general rules of diplomatic law, and many collective agreements included the codification of some rules of international custom (Al-Bitar, 2008). The Havana Agreement on Diplomatic Relations, for example, was held in 1928, when the Sixth American International Conference was held in Havana, attended by (21) countries on the two American continents. The agreement recognized that diplomatic envoys do not represent the presidents of states, but rather they represent their governments, which granted them criminal immunity, but not civil immunity. It divided the diplomatic envoys into ordinary envoys and extraordinary representatives 2017.

The Civil Service required them not to violate the laws of the countries to which they were accredited. The mission prohibited the diplomatic envoys from interfering in the internal affairs of the state. The agreement also required the protection of the diplomatic envoys, in their persons, property, and official places of work, and the protection of their families, and their archives and correspondence and are given facilities to perform their duties. They are exempt from taxes and customs duties, and enjoy immunity from civil and criminal jurisdiction unless their countries waive this immunity (Jaber, 2001). Among the collective agreements that dealt with regulating aspects of diplomatic law was the United Nations Convention on the Privileges and Immunities concluded in 1946. After the formation of the Sixth Committee at the United Nations, the General Assembly in 1958 commissioned this committee to develop a collective international agreement on diplomatic law. The committee collected the rules of diplomatic law in an agreement called the Vienna Agreement on Diplomatic Relations, which was presented in 1961 to the General Assembly, which ratified it and invited countries to join it. It was followed by the Vienna Convention on Consular Relations concluded in 1963, the Special Missions Convention in 1969, and then successive collective international agreements to regulate the rules of diplomatic law (Al-Jassur, 2001).

It can be said that diplomatic law enjoyed more coverage than other international agreements. This was due to the importance of diplomatic law, and because all its rules are in an international agreement that does not raise problems, especially since countries are accustomed to applying them in the customs followed between countries.

### **The basis for granting diplomatic immunities from the perspective of Islamic jurisprudence**

The issue of diplomatic immunities and privileges was only discussed a short time ago, as granting of it was not explicitly addressed by the ancient Muslim jurists although it can be deduced from their writings, as it is known that Islamic diplomacy was based on the rules of peace, reconciliation, and amity. It was also deduced from the provisions of Sharia and jurisprudence and Ijtihad, as an original theory or concept of diplomatic immunities in accordance with the principle of security, which became a legal system that justifies granting these diplomatic immunities and privileges (Abu Jariban, 2017).

Not only did Islamic Sharia approve of the international custom that grants diplomatic envoys immunities and privileges, but rather it established its provisions in commanding texts and

therefore it is not permissible to violate them. It legislated the "Security Contract," which is the guarantee of diplomatic privileges and immunities in the contemporary sense. It is noted that a security contract is a contract for an individual or a treaty for more than one individual, as the person who is insured becomes like a non-Muslim in terms of security, except that he is not obligated to pay state taxes (Abu Shakiwan, 2015).

Al-Shudayfat (2017) defined it as the obligation to refrain from being subjected to killing or captivity. Al-Tashah (2017) argued that it is the security that is given to the warrior on the battlefield or while preparing for war. It is granted to the warrior to enter the land of Islam to achieve a specific purpose such as carrying out a message or doing trade, and the like. Jurists also called it "al-isti'man," which means "seeking safety". Al-Shawaa (2017) defined the security contract as an insurance for a military person who enters a Muslim home for an order that will be dismissed upon his leave.

### **Ceasing immunities in the Islamic system and the end of the diplomatic mission**

The reasons for ceasing diplomatic representation of the envoys or ambassadors are as follows:

First - The disappearance of the status of the diplomatic envoy. Muslims knew that the disappearance of the status of the messenger (diplomatic envoy) resulted in ceasing immunity and privileges granted. Thus, what the Vienna Convention in 1961 adopted in the first paragraph of Article (39) is something approved by Islamic law before that. Likewise, immunities and privileges in Islam end for other reasons, such as death, resignation, or dismissal (Zahra, 2014).

Second - The death of the king or president of state: Changing the Caliph or president of the Islamic state does not result in the disappearance of the immunities and privileges enjoyed by messengers (diplomatic envoys) This is a matter that has been established by Muslim jurists. The reason for this is the necessity of informing the person of his security that pleases him upon breaking the covenant, ending the person's mission, or expelling him. The state may set a reasonable time for him to leave the land of Islam, this infallibility disappears after his leave, so the ambassador remains safe even if the president who gave him this infallibility dies. This is because the rule in Islam is that the protection it gives to messengers is an imposed protection, and therefore all Muslims must respect it even if the guardian to whom the envoy was sent changes or dies, based on the fact that all Muslims are equal in religious duties (Abdul Hamid, 2007).

Third: severing diplomatic relations: It is known that the basic principle in Islam is that it is not permissible to sever diplomatic relations with other countries that do not suppress Islam or persecute its followers. As for severing diplomatic relations between Islamic countries, this is similar to the desertion that is forbidden between ordinary individuals in Islamic law. The Messenger of Allah, may Allah bless him and grant him peace, said "It is not permissible for a Muslim to leave his brother for more than three days. They meet and this one rejects, and that one rejects. The best of them is the one that begins with peace greetings" (Rawabdeh, 2017).

It is noted that the severing of diplomatic relations may be practiced by the Islamic State alone. An example of this is what some countries have done when they severed diplomatic relations with Nicaragua and Costa Rica, after they moved the headquarters of their embassies to Jerusalem in 1982, these countries are: Egypt, Saudi Arabia, Kuwait, and the United Arab Emirates.



Fourth: Spying. The basic principle is that a spy is considered safe as soon as he enters the land of Islam, which is what we currently call ambassadorial immunity, and the dominant opinion among most jurists is that spying does not violate a trust. However, some jurists believe otherwise (Ajeel, 2013). In fact, Muslim jurists have not been exposed to more details of the situation, the Messenger (the envoy) felt that the reason for this was that it was inconceivable that this could happen on his part, on the basis that he was seeking reconciliation between the two parties, releasing prisoners, concluding an agreement or treaty, or resolving the outstanding problems between them. Therefore, it was necessary for a convoy not to be a spy, because if he was caught, it would be a reason for worsening relations between his state and the other state (Attari, 2016).

The Shafi'is and Hanafi believe that his trust is not violated if the Messenger (envoy) commits the crime of spying. The Hanafi explained this ruling by saying that if a Muslim feels something, his feeling does not contradict his faith. This is also the case when a person who is trustworthy is spying. However, the Malikis see that the safety of the person being trusted is violated by touching him. This is because safety does not require touching, but rather requires abstaining from it. If the person was touched, his security is violated, and this is what contemporary international law has adopted (Al-Shubat, 2018).

Fifth - Returning the Envoys. The Islamic system has been known to reject messengers and ambassadors because they were alienated from them because of bad deeds they had done, or even because of sudden hatred on the part of the addressee. This is evident in many incidents that occurred in Cairo and Baghdad, of which we mention, for example, what Al-Maqrizi mentioned, that it occurred during the year 597 AH, and there was apparent anarchy between them. Al-Zahir sent his minister Alam Al-Din to him, but Al-Adil prevented him from crossing to Cairo, and ordered him to reside in the city of Belbeis, so the envoy returned angry" (Al-Saadi, 2017).

In 660 AH, the messenger of the Frankish king came to Cairo with a gift. And with him were two members of the Navy who had gone with the gift that Baybars had sent to the Emperor. They had misbehaved there, so the Emperor sent them back with a messenger of his own to inform the Sultan of what he had done (Hamad, 2017).

Sixth: War. Muslim jurists have exposed the situation of war as one of the reasons for the end of diplomatic representation. In the event of a war breaking out between the state sending the Messenger (the envoy) and the Islamic state, this allows the Islamic state to ask the envoy to leave, if the Islamic state feels that the presence of the envoy poses harm to Muslims. Such as if he was a spy (Hamad, 2017). However, ostracism in Islam does not occur out of pure whims and personal desire, but rather there must be a justification, such as the appearance of signs of betrayal or harm.

### **Study Results**

1. Diplomacy in previous historical eras was characterized by the narrow geographical scope of its activity, as the difficulty of transportation and the forbidden borders of sovereignties and provinces did not allow missions freedom of movement and the possibility of expanding the scope of their activities. Most historians believe that the Greeks developed, in an early period, an accurate system of diplomatic communication as a result of the political system that prevailed.
2. As a result of the stability of these permanent European diplomatic missions, an international custom was born that represents a set of legal rules that regulate diplomatic relations, such as the inviolability of the diplomatic mission.

3. The Vienna Conference in 1815 and the established international rules it approved are considered the cornerstone in building modern diplomacy. After that, the diplomatic service acquired its own dimensions as a profession distinct from the craft of a politician or ruler, and it became its own rules, procedures, and ceremonies.

4. Diplomatic immunities and privileges constitute the most basic pillars of international relations. They aim to ensure the effective performance of the functions of diplomatic missions to the fullest extent, and this is what secures the goals of diplomacy based on managing the foreign affairs of international parties and strengthening their relations on the foundations and principles of equality and maintaining international peace and security.

### **Conclusion and Recommendations**

As a result of the expansion of the scope of states and the development of life in various political, economic, military and technological fields, and since not a little time has passed since the texts of the Vienna Convention on Diplomatic Relations in 1961, it is necessary to hold an international conference to make the necessary amendments to this agreement in a way that is compatible with the situation of the modern international community.

Amending the text of Article 29 of the Vienna Convention on Diplomatic Relations in 1961. Legislative shortcomings in the phrase “appropriate measures” to become as follows: The sanctity of the person of the diplomatic envoy shall be safeguarded and he may not be subjected to any form of arrest or detention, and the receiving State must treat him with appropriate respect and take “All effective, sufficient or necessary measures to prevent any attack on his person, freedom or dignity.”

Including crimes committed against diplomatic envoys in the structure of the national penal code in Arab countries in a way that achieves full protection for the heads of the diplomatic mission and its employees, and from crimes that can be included in legislation. Domestic crimes that may be committed against diplomatic envoys are: insulting the dignity or honor of the diplomatic envoy verbally, or through the visual or audio media, causing physical harm to the diplomatic envoy, the crime of insulting the diplomatic envoy for reasons related to his official job, and crimes of defamation, slander, or contempt, which are publicly committed against diplomatic envoys.

### **References**

- Al-Saadi, A. (2017). *Overlap and integration between diplomatic and consular functions*, Beirut: Al-Sanhouri Library.
- Global Citizenship Commission. (2016). *Implementation of Human Rights*. In G. Brown (Ed.), *The Universal Declaration of Human Rights in the 21<sup>st</sup> Century: A Living Document in a Changing World* (1<sup>st</sup> ed., Vol. 2, pp. 81–104). Open Book Publishers.
- Al-Shami, H. (2009). *Diplomacy mission*. Beirut: Dar Al-Ilm Lil-Millain.
- Al-Shabatat, M. (2018). *The Responsibility of Members of Diplomatic Missions for Administrative Actions*. Faculty of Law, Middle East University, Amman.
- Al-Shudayfat, S. (2017). *The Immunity of the Diplomatic Envoy: Prosecution or Punishment*. Sharjah University Journal of Sharia and Legal Sciences in the United Arab Emirates.
- Nolte, G. (2019). *2018 AIIB Law Lecture: International Organizations in the Recent Work of the International Law Commission*. In P. Quayle & X. Gao (Eds.), *International Organizations and the Promotion of Effective Dispute Resolution: AIIB Yearbook of International Law 2019* (Vol. 2, pp. 225–242). Brill.

- Sharqa, S. (2016). The extent of compatibility of diplomatic protection with developments in international relations. Algeria.
- Shukri, M. (1993). Introduction to Public International Law. Damascus: Dar Al-Fikr Al-Arabi.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2020). Research trends of neuromarketing: A bibliometric analysis. *Journal of Theoretical and Applied Information Technology*, 98(15), 2948-2962.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2021a). Neuromarketing: Marketing research in the new millennium. *Neuroscience Research Notes*, 4(3), 27-35.
- Al-Shawaa, N. (2017). "Protection of Diplomatic Missions in International Law," Al-Azhar University. College of Law, Gaza.
- Saleh, A. (2004). Principles of Diplomatic and Consular Work. Amman: Dar Majdalawi for Publishing and Distribution.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2021b). Neuromarketing: The popularity of the brain-imaging and physiological tools. *Neuroscience Research Notes*, 3(5), 13-22.
- Al-Sabab, A. (2015). Scientific research methods. Jeddah: Misbah Publishing House.
- Ziemele, I., & The United Nations. (2021). The Functions of the International Law Commission: Identifying Existing Law or Proposing New Law? In *Seventy Years of the International Law Commission: Drawing a Balance for the Future* (pp. 265–276). Brill.
- Sabarini, G. (2012). Contemporary Diplomacy. Manama International Scientific Publishing House.
- Amer, S. (2002). Public International Law. Cairo: Dar Al Nahda Al Arabiya.
- Ahmed, H. A., NorZafir, M. S., & Rohaizat, B. (2021a). The neural correlates of emotion in decision-making. *International journal of academic research in business and social sciences*, 11(7), 64-77.
- Ahmed, H. A., NorZafir, M. S., & Rohaizat, B. (2021). To better understand the role of emotional processes in decision-making. *International Journal of Academic Research in Economics and Management Sciences*, 10(2), 49-67.
- Ahmed, H. A., NorZafir, M. S., Shaymah, A. A.-Z., & Ahmad, K. (2022d). Consumer Behaviour to Be Considered in Advertising: A Systematic Analysis and Future Agenda. *Behavioral Sciences*, 12(12), 472.
- Abbas, H. (2009). Initial Principles in Diplomatic Law, Beirut, Dar Al-Abbasi. Yassin, D. (2014). The right to exchange and terminate diplomatic representation with reference to the Islamic Diplomatic Representation, Alexandria.
- Alsharif, A. H., Salleh, N. Z. M., Baharun, R., & Effandi, Y. M. (2021c). Consumer behaviour through neuromarketing approach. *Journal of Contemporary Issues in Business and Government*, 27(3), 344-354.
- Lina, P., Ahmed, H. A., & Alharbi, I. B. (2022). Scientometric analysis of scientific literature on neuromarketing tools in advertising.
- Noor, E. (2019). Foreign and security policy in the New Malaysia. Lowy Institute for International Policy.
- Obeikan, N. (2017). Diplomatic and consular immunities and privileges. Riyadh, Obeikan Publishing and Distribution Library.
- Abdel Hamid, M. (2007). Diplomatic and consular law and international law of the seas, Alexandria: University Press House.
- Abdel Hamid, M. (2006). Principles of Diplomatic and Consular Law, Alexandria: Dar Al-Rafidain Printing and Publishing.