



LEGAL PROTECTION OF THE PRESIDENT IN A SOVEREIGN STATE FROM THE PERSPECTIVE OF SIYASAH DAULIYAH (A CASE STUDY OF THE ARREST OF THE PRESIDENT OF VENEZUELA)

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Abstract

State sovereignty and head of state immunity are fundamental principles of international law, shielding heads of state from foreign court jurisdiction under the doctrine **par in parem non habet imperium**. This study examines the legal protection afforded to a president as head of state and reviews the U.S. arrest of Venezuelan President Nicolás Maduro through the lenses of international law and *Siyasah Dauliyah*. Using a normative legal method with statutory and conceptual approaches, the research finds that Maduro's arrest carried out via a unilateral military operation without UN Security Council authorization and without due international legal process violates Article 2(4) of the UN Charter and contravenes customary international law on head of state immunity. From the *Siyasah Dauliyah* perspective, the head of state embodies political authority and state sovereignty; thus, any action against him constitutes an action against the state itself. The principles of equality, justice, human dignity, and peace, which underpin international relations in **Siyasah Dauliyah**, reject intervention and the use of force against other states. Consequently, legal protection for a president as head of state is inseparable from safeguarding national sovereignty and upholding the non-intervention principle in international affairs. Any breach of this protection not only undermines the rule of law but also threatens global stability and the mutual respect that sovereign states owe one another.

Keywords: *State Sovereignty; Head of State Immunity; International Law; Siyasah Dauliyah*

INTRODUCTION

State sovereignty occupies a central position within the international legal system as one of the foundational concepts that determines the very existence of a state. In the context of inter-state relations, sovereignty is closely connected to the principle of independence, for a state can only be regarded as sovereign if it possesses full freedom to determine and implement its policies without intervention from other states. A state may be categorized as sovereign only when it stands autonomously, free from subordination, and is not subject to the power or domination of any other state. (Al-Mawardi, 2014)

State sovereignty also underlies the emergence of an important doctrine in international law known as the *Act of State Doctrine*, which in the English legal tradition is referred to as the *Sovereign Act Doctrine*. This legal doctrine, which developed during the nineteenth century, affirms the principle that every sovereign state is obliged to respect the independence of other sovereign states, so that the judicial institutions of one state have no authority to assess or adjudicate the governmental acts of another state carried out within its own jurisdiction. Accordingly, the *Act of State Doctrine* places respect for the sovereignty and independence of other states as a fundamental principle in inter-state relations (Ashri, 2013)

To this day, the United Nations Charter has reinforced the prohibition on the use of force against the territorial integrity and independence of other states. This prohibition is enshrined in Article 2(4) of the UN Charter, which provides that: "All Members shall refrain in their international relations from

the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (Bledsoe & Boczek, 1987)

Alongside the principle of sovereignty, international law recognizes the existence of the doctrine of state immunity, which affirms that a sovereign state cannot be subjected to the jurisdiction of another state. As a consequence, the judicial institutions of one state possess no authority to adjudicate or evaluate the acts of another sovereign state. The recognition of such immunity is grounded in a fundamental principle of international law that places every state in an equal position and accords each the same sovereignty before international law (Evans, 2018)

The concept of immunity inherent in state sovereignty affirms that every sovereign state holds exclusive authority to regulate and administer affairs within its own jurisdiction, and that such authority must therefore be recognized and respected by other states of equal sovereign standing. This principle of immunity derives from the maxim *par in parem non habet imperium*, which means that a head of state cannot be subjected to the legal jurisdiction of another state. Consequently, in international relations, a foreign head of state is granted a form of legal protection in the shape of immunity from the judicial processes of other states (Djazuli, 2009)

One case that has attracted considerable public attention is the arrest and forcible removal of Nicolás Maduro, the President of Venezuela, carried out by the United States on 3 January 2026. The statement made by Donald Trump on 5 January 2026, asserting that the United States was now “responsible” for Venezuela, reinforced the narrative construction of a violation of state sovereignty and indicated a *de facto* occupation. Such a stance directly contradicts the fundamental norms of international law as affirmed in the United Nations Charter. Article 2(4) of the UN Charter explicitly establishes a prohibition on any form of threat or use of force aimed at impairing the territorial integrity or political independence of a state (Evans, 2018)

The United States deployed military force within Venezuelan territory without the consent of the State of Venezuela. The operation resulted in the physical arrest of Nicolás Maduro, who at that time held effective control over the organs of the Venezuelan government, and his removal beyond Venezuelan territory to face criminal charges in a United States court. No authorization from the UN Security Council was announced, and no extradition request or international judicial cooperation preceded the operation (Iqbal, 2014)

This action by the United States cannot be justified under international law and the UN Charter. Article 2(4) of the UN Charter expressly prohibits the threat or use of force against the territorial integrity and political independence of other states. The unilateral military action by the United States undertaken without a UN mandate, including the arrest of the President of Venezuela to be brought and tried in the United States, constitutes a flagrant violation of the international legal order. (Indonesia, 2026)

Islam does not merely address matters of worship and creed but also encompasses other domains, one of which is the relations among states. In this context, the field of Islamic study concerned with such matters is *Siyasah Dauliyah* (Iqbal, 2014). *Siyasah Dauliyah* holds an important position in the study of foreign policy because it encompasses the entirety of policies, measures, and strategies formulated and implemented by a state in managing its relations and interactions with other states at the international level (Istanto, 1994). *Siyasah Dauliyah* may be employed in the study of

inter-state relations relating to conflict as well as international security (Kaczorowska, 2002) One of the domains examined within *Siyasah Dauliyah* concerns the obligations and rights of a state toward other states, in which the principles of equality, justice, and freedom all relevant to this study are found (Kusumaatmadja & Agoes, 2003)

LITERATURE REVIEW

1. State Sovereignty: Conceptual Foundations

The concept of state sovereignty has been extensively debated in international legal scholarship. Its theoretical origins are often traced to Jean Bodin's *Six Livres de la République* (Mauna, 2005) which provided the first coherent theory of state sovereignty, though it was only towards the end of the 17th century that it gained practical recognition. Contemporary scholarship has moved beyond unidimensional understandings toward multidimensional approaches that recognise sovereignty as an intricate concept encompassing various agents, contexts, realms, and modes of existence. As one recent study observes, state sovereignty remains central to numerous controversial scenarios including territorial disputes, transnational crime, and refugee flows.

The principle of sovereign equality, enshrined as a fundamental axiom of the international legal order, serves as the source of other important principles such as the prohibition of the use of force and the prohibition of intervention. Sovereign equality consists of two basic premises: that all states possess equal rights and duties, and that no state can claim jurisdiction over another a principle derived from the maxim **par in parem non habet imperium**. However, some scholars critique sovereign equality as "one of the great utopias of international law, but also one of its great deceptions", highlighting the persistent tension between formal legal equality and material power disparities. (Soekanto & Mamudji, 2007)

2. The Act of State Doctrine

The Act of State Doctrine, which developed during the nineteenth century, affirms that every sovereign state is bound to respect the independence of every other sovereign state, and that the courts of one country will not sit in judgment on the acts of another government done within its own territory. The classic American formulation was articulated by the US Supreme Court in *Underhill v Hernandez*. Historically, this doctrine has encompassed three distinct but related strands: foreign sovereign immunity, the British 'royal prerogative' defence, and the modern judicial rule barring domestic courts from reviewing foreign governmental acts. (Starke, 1984)

Importantly, the Act of State Doctrine is applicable to acts attributable to a sovereign state, not exclusively to the head of state. While the doctrine is not strictly required by international law—neither customary nor treaty law it is a principle recognised and adhered to by domestic courts, particularly in common law systems. Some scholars note that the doctrine represents an "uneasy composite of nineteenth century concepts of positivist law and twentieth century principles of institutional competence". Modern formulations recognise exceptions where foreign acts violate international norms with broad consensus, such as genocide. (Suntana, 2015)

3. State Immunity and Head of State Immunity

State immunity protects a state and its property from the jurisdiction of another state's courts, covering administrative, civil, and criminal proceedings. It reflects the sovereign equality of states as a main pillar of the contemporary international legal order. The doctrine originated in and remains based on customary international law, tracing back to the principle **par in parem non habet imperium**, mentioned as early as 1354 by Bartolus de Saxoferrato. (Syofyan, 2022)

State immunity is closely related to, yet distinct from, the immunity of heads of state. Heads of state enjoy immunity from foreign national proceedings, traditionally understood as absolute immunity while in office. This immunity protects sitting heads of state from the jurisdiction of domestic courts, including those of the United States. However, the scope of head of state immunity has been contested, particularly regarding international crimes. Some scholars argue that customary international law creates exceptions when international courts seek a head of state's arrest for international crimes, while the International Criminal Court has determined that there is no head of state immunity before international tribunals. Nevertheless, the traditional view holds that a sitting head of state is entitled to immunity from criminal and civil jurisdiction "probably without exception". (Thontowi & Iskandar, 2006)

4. The Prohibition of the Use of Force under the UN Charter

Article 2(4) of the UN Charter establishes the fundamental prohibition on the threat or use of force against the territorial integrity or political independence of any state. The International Court of Justice has affirmed the customary status of this prohibition. Only two exceptions are recognised: the right to self-defence under Article 51 and the use of force authorised by the UN Security Council.

Recent scholarship has examined the precise meaning of a "use of force" under Article 2(4), analysing its required effects, gravity, and intention. The 1974 Definition of Aggression serves as a key subsequent agreement on interpretation. Scholars note that the customary rule prohibiting force emerged as a result of Article 2(4), and due to the relationship between treaty and customary sources, interpretation should focus on the UN Charter. The prohibition encompasses both direct military action and indirect uses of force through state assistance to non-state armed groups. (Zuhaili, 2011)

5. The Principle of Non-Intervention

Closely related to the prohibition on the use of force is the principle of non-intervention, which prohibits states from coercively interfering in the domestic affairs of other states. This principle is well-established in customary international law and appears in myriad global, regional, and sub-regional treaties. The principle includes, but is not limited to, the prohibition of the threat or use of force against territorial integrity or political independence. (Damayanti, 2023)

The non-intervention principle governs a variety of inter-state behaviour, from official public statements to the use of force, that can intrude on a state's domestic affairs. Despite general support for the principle, its exact content has remained contested, and debates continue regarding the permissible scope of intervention in political and economic spheres. (Erfan, 2024)

6. Siyasa Dauliyah: Islamic Perspectives on International Relations

Siyasa Dauliyah is the Islamic study of international relations, encompassing the policies, measures, and strategies formulated and implemented by a state in managing its relations with other

states. This field addresses not only domestic affairs but also foreign relations, focusing on how a state maintains its dignity and authority in international interactions.(Irwansyah, 2024)

Siyasah Daulyah emphasises diplomatic relations between states based on the principles of peace, justice, and cooperation. The field examines the obligations and rights of a state toward other states, including the duty to respect the rights of neighbouring states. Peace is the fundamental principle of international relations in this framework. Scholars have noted that, philosophically, there are differences between secular international law and Islamic law derived from revelation, yet the majority of contemporary Muslim scholars believe there is general compatibility between the principles of modern international law and Islamic law, particularly in the form of agreements (uhûd and mawâtsiq), customs (âdât), and reason (aql). The normative sources of Siyasah Daulyah include the Quran, Hadith, the opinions of Muslim scholars, and theories of international relations and international law.(Jankovic & Roeben, 2025)

The US capture of Venezuelan President Nicolás Maduro on 3 January 2026 has generated significant scholarly commentary. Legal experts have questioned the lawfulness of the operation under international law. The operation, described by the US as a judicial "extraction mission" but in reality a military operation of considerable scale involving strikes on military targets and the forcible abduction of a sitting president, has been characterised as a significant violation of Venezuelan sovereignty and the UN Charter.(Killingsworth, 2024)

Scholars note that there was no UN Security Council mandate authorising force, and the operation did not constitute an instance of self-defence triggered by a prior or ongoing armed attack. The argument that the US was defending its people from drug trafficking does not qualify as a trigger for self-defence in international law, as only a kinetic assault with military means qualifies. The US action has been described as "an extraordinary departure from established international norms", and experts have concluded that "the US broke international law". Furthermore, under international law, Maduro enjoyed immunity as a sitting head of state, shielding him from the jurisdiction of US domestic courts.(Kum, 2025)

January 2026, the United States conducted a military operation codenamed "Operation Resolve" in Caracas, Venezuela, resulting in the capture of President Nicolás Maduro and his wife, Cilia Flores. The operation involved strikes on military targets across Caracas and the northern states of Miranda, Aragua, and La Guaira, followed by the forcible transfer of the captured individuals to a US warship and subsequently to New York, where Maduro was arraigned on federal charges including narco-terrorism conspiracy, cocaine importation conspiracy, and weapons offenses. President Donald Trump subsequently announced that the United States would "run the country" until a "safe, proper and judicious transition" of power could be effected.(Waldron, 2021)

The operation has been characterized by the United States as a judicial "extraction mission" undertaken by law enforcement operatives supported by the military. However, this characterization has been met with widespread skepticism. As the Chatham House observed, "this was a military operation of considerable scale, involving strikes on military targets in and around Caracas, the capital, and the forcible abduction of a sitting president by US special forces". The Venezuelan government has characterized the action as "military aggression" and a "flagrant violation of the Charter, posing a threat to international and regional peace and security".

7. Violation of the Prohibition on the Use of Force

Under Article 2(4) of the UN Charter, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state". The United States' unilateral military incursion into Venezuelan territory without the consent of the Venezuelan government constitutes a clear and prima facie violation of this prohibition. (Lubis et al., 2020)

The United States has advanced several justifications for its action, none of which withstands legal scrutiny. First, the invocation of self-defence under Article 51 is unsustainable, as Venezuela had launched no armed attack against the United States. The assertion that drug trafficking constitutes a threat comparable to an armed attack stretches the concept of self-defence beyond recognition. As the Chatham House analysis emphasizes, "in international law, only a kinetic assault with military or similar means qualifies as a trigger for self-defence".

Second, the argument that Maduro was an illegitimate leader following disputed elections does not provide a legal basis for military intervention. The legitimacy or otherwise of a foreign regime is not a legal justification for the unilateral use of force against a sovereign state. Third, the invocation of universal jurisdiction for alleged crimes does not authorize unilateral military abduction; the appropriate course would have been to seek multilateral authorization through the UN Security Council or the International Criminal Court.

The UN Security Council convened an emergency meeting on 5 January 2026 to address the crisis. The UN Secretary-General expressed "deep concern that rules of international law have not been respected with regard to the 3 January military action". Several Council members, including Colombia, Brazil, Mexico, Chile, and Panama, rejected "any unilateral use of force" and warned that the seizure of a head of state crossed an "unacceptable line".

8. Head of State Immunity and the *Par in Parem* Principle

The doctrine of head of state immunity, rooted in the maxim *par in parem non habet imperium*—meaning that a sovereign state cannot be subjected to the jurisdiction of another sovereign state—provides legal protection to sitting heads of state from the jurisdiction of foreign courts. This principle, articulated as early as 1354 by Bartolus de Saxoferrato, is firmly established in customary international law. The International Court of Justice affirmed in the *Arrest Warrant* case (2002) that heads of state enjoy "full immunity" from foreign criminal jurisdiction.

At the time of his capture, Nicolás Maduro was the sitting President of Venezuela, a recognized sovereign state. Under customary international law, he enjoyed immunity *ratione personae*—absolute immunity from the jurisdiction of foreign domestic courts, including those of the United States. This immunity is not a personal privilege but a functional necessity, designed to prevent one state from using its judicial processes to interfere in the internal affairs of another and to maintain the sovereign equality of states. (Eka Rahayu et al., 2024)

The US attempt to circumvent this immunity by characterizing Maduro as an "illegitimate" leader or by framing the operation as a "law enforcement" action rather than a military intervention does not alter the legal reality. As one legal scholar observed, "under international law, Maduro enjoys immunity as a sitting head of state, shielding him from the jurisdiction of domestic courts, including

those in the United States". The US action represents "an extraordinary departure from established international norms".

The applicability of head of state immunity before international criminal tribunals, such as the International Criminal Court, is a distinct question. However, the United States is not a party to the Rome Statute and has not sought to prosecute Maduro through the ICC. Rather, it has unilaterally asserted jurisdiction over a foreign head of state through domestic criminal proceedings—a course of action that finds no support in customary international law.(Liakopoulos, 2025)

9. The Act of State Doctrine and Judicial Restraint

The Act of State Doctrine, which developed during the nineteenth century, affirms that the courts of one state will not sit in judgment on the acts of another government done within its own territory. This doctrine places respect for the sovereignty and independence of other states as a fundamental principle in inter-state relations. The US Supreme Court has consistently applied this doctrine, refusing to "examine the validity of a taking of property within its own territory by a foreign sovereign government".

The Maduro case presents a more extreme scenario: not merely a domestic court's review of a foreign sovereign's acts, but the unilateral military apprehension of a foreign head of state to subject him to domestic criminal proceedings. This action fundamentally undermines the Act of State Doctrine and the principle of sovereign equality that underlies it. As US legal scholars have noted, there is "no constitutional or statutory framework that would give justification for such a proposition". The executive branch has effectively "created a legal rationale for bypassing the Constitution" and international law.

10. *Siyasah Dauliyah*: Islamic Perspectives on the Maduro Case

From the perspective of *Siyasah Dauliyah*—the Islamic study of international relations—the principles of equality, justice, and freedom are central to the obligations and rights of a state toward other states. *Siyasah Dauliyah* affirms the sovereignty and independence of states as fundamental principles and emphasizes that diplomatic engagement (*al-sifarah*) is the preferred means of resolving inter-state disputes.(Shukri Nordin et al., 2025)

The US military operation against Venezuela and the arrest of President Maduro cannot be justified under the principles of *Siyasah Dauliyah*. The action constitutes a violation of Venezuela's sovereign equality and territorial integrity. The forcible removal of a sitting head of state represents not merely an attack on an individual but an assault on the political authority and symbolic representation of the Venezuelan state. Under Islamic international law, the head of state embodies the political authority of the state; actions against the head of state constitute actions against the state itself.(Khosyi'ah & Rusyana, 2022)

Furthermore, *Siyasah Dauliyah* emphasizes that peace is the fundamental principle of international relations. The unilateral use of force by one state against another, without multilateral authorization or justification under the law of self-defence, violates the Islamic principles of justice and non-aggression. The principles of equality, justice, and human dignity—central to *Siyasah Dauliyah*—require that disputes between states be resolved through peaceful means, including diplomacy and negotiation, not through unilateral military force.

11. *Siyasah Harbiyah*: The Islamic Law of Armed Conflict

Siyasah Harbiyah, the Islamic jurisprudence of war, provides a framework for evaluating the conduct of hostilities. While *Siyasah Harbiyah* recognizes the right of self-defence (*al-difa'*) when a state's sovereignty is threatened, it imposes strict limitations on the conduct of warfare, including the principles of distinction between combatants and non-combatants, proportionality, and the prohibition on targeting civilians. (Siroj et al., 2023)

The US operation in Caracas, which resulted in casualties among Maduro's security detail and Cuban military personnel, raises questions under *Siyasah Harbiyah* regarding the proportionality of the force used and the distinction between legitimate military targets and protected persons. The forcible abduction of a sitting head of state from his presidential compound—a civilian and political, rather than purely military, target—raises particular concerns under Islamic legal principles (Zayyadi et al., 2023) that emphasize the protection of non-combatants and the inviolability of political authority.

The arrest of President Nicolás Maduro by the United States represents a significant challenge to the international legal order. The operation violates Article 2(4) of the UN Charter, contravenes the customary international law doctrine of head of state immunity, and undermines the Act of State Doctrine. The justifications offered by the United States—self-defence, universal jurisdiction, and the illegitimacy of the Maduro regime—do not withstand legal scrutiny. From the perspectives of *Siyasah Dauliyah* and *Siyasah Harbiyah*, the action violates the principles of sovereign equality, non-intervention, and the peaceful resolution of disputes that are central to Islamic international relations. The UN Security Council's emergency meeting and the expressions of concern by numerous states underscore the widespread view that this action has set a dangerous precedent for the erosion of foundational norms of the international legal system. (du Plessis, 2019)

METODE

This study is a normative legal research (doctrinal legal research) that focuses on the analysis of legal norms concerning the alleged violation of the United Nations Charter in the arrest of the President of Venezuela by the United States. Legal research conducted by examining library materials or secondary data as the primary source is referred to as normative legal research or *library legal study*.

This research employs the statute approach and the conceptual approach. The statute approach is undertaken by examining the provisions of the United Nations Charter as the normative basis of the analysis. The conceptual approach is used to examine the principles of state sovereignty, non-intervention, the prohibition on the use of force, and head of state immunity based on the doctrines of international law.

The data sources used in this research consist of primary and secondary data obtained through library research conducted both online and offline. The primary data sources comprise the United Nations Charter and customary international law relating to the principles of state sovereignty and head of state immunity. The secondary data sources comprise books, journal articles, and the opinions of legal scholars relating to state sovereignty, head of state immunity, and *Siyasah Dauliyah*.

RESULTS AND DISCUSSION

A. Legal Protection of the President in a Sovereign State

As head of state, the President enjoys legal immunity from the jurisdiction of other states. This principle developed alongside the transformation of the modern state system and was shaped by the principles of sovereignty and non-intervention, which are rooted in the equality, independence, and dignity of states within the international community. Accordingly, the immunity of a head of state from prosecution before foreign courts may be understood as a juridical consequence of state sovereignty within the international legal order (Killingsworth, 2024).

The major assault carried out by the United States was the latest operation targeting the private residence of Venezuelan President Nicolás Maduro in the capital, Caracas, in the early hours of Saturday, 3 January 2026. The operation, codenamed *Operation Absolute Resolve*, reportedly succeeded in capturing President Maduro together with his wife, Cilia Flores, without being prevented by Venezuela's security forces or armed forces (Suryaningtyas, 2026).

Following the military assault launched by the United States against Venezuela and the subsequent arrest of President Nicolás Maduro and his wife, Cilia Flores, on Saturday, 3 January, the couple was scheduled to undergo their first hearing before a federal court in New York to face charges relating to (Wiranto, 2026) narco-terrorism and violations of United States federal criminal law.

Professor Iman Prihandono, Professor of International Law at Airlangga University, stated that President Maduro possesses immunity as a head of state and therefore cannot be tried before the courts of another state. Moreover, at the time of his arrest, Maduro was still a lawful head of state. He explained that the principle of head of state immunity is essentially consistent with the maxim *par in parem non habet imperium*, namely that one state cannot be tried by another. Given the President's position as head of state, he cannot be arbitrarily "dragged" before the domestic courts of another state without due process. The judicial body may be regarded as lacking jurisdiction in personam, which would be barred by Maduro's immunity as the President of a foreign state. According to him, this alone is sufficient to require the court to halt the examination of the case on the ground of non-jurisdiction (Prihandono, 2026)

The granting of immunity to a head of state is regarded as an obligation derived from customary international law. Within this framework, two types of immunity are recognized. First, *immunity ratione personae*, which encompasses protection in respect of all acts, whether private or official, for as long as the individual holds office, and which ceases upon the end of that tenure. Second, *immunity ratione materiae*, namely immunity attaching to acts performed in an official capacity as a state official; its scope is more limited than that of *ratione personae*, yet it continues to apply even after the official has left office (Fil, 2025)

This was further affirmed by the International Court of Justice (ICJ) in its judgment in the *Arrest Warrant of 11 April 2000* case, which held that.

"The functions of a high-ranking state official are such that, throughout the duration of his or her office, he or she enjoys full immunity from criminal jurisdiction and inviolability when abroad. Such immunity and inviolability protect the individual concerned against any act of authority of another state that would hinder him or her in the performance of his or her duties."

This military action by the United States therefore contravened Article 2(4), which prohibits the use of force against other states, since, as a matter of principle, a sitting head of state cannot be prosecuted or subjected to legal process before a foreign court (Prihandono, 2026)

Accordingly, the legal protection of the President as a sitting head of state constitutes a concrete part of the principles of sovereignty and the equality of states in international law. The immunity attaching to a head of state functions not merely as personal protection but as institutional protection that reflects the honor and independence of the state he or she represents. Therefore, any exercise of jurisdiction by the national courts of another state over a sitting head of state is, in essence, contrary to the doctrine of immunity that has long been recognized as part of customary international law. Within this framework, respect for head of state immunity becomes an essential element in maintaining the orderliness of inter-state relations and in ensuring the upholding of the principle of non-intervention within the international legal system.

B. Legal Protection of the President in a Sovereign State from the Perspective of *Siyasah Dauliyah*

The arrest of the President of Venezuela, Nicolás Maduro, by the authorities of another state through a unilateral military operation raises serious concerns when analyzed through the lens of *Siyasah Dauliyah*. Within the framework of *fiqh siyasah*, the head of state (*imam*) is not merely an individual holding an administrative office but the representation of political authority and the symbol of the unity of a *dawlah* (state). Consequently, an external act directly targeting a head of state essentially constitutes an act against the political entity that he or she represents. The head of state holds a central position as the representation of political authority and the symbol of a state's sovereignty. As explained by Imam al-Mawardi, the head of state is tasked with safeguarding religion and managing worldly affairs (Al-Mawardi, 2014). This position places the head of state as a figure who possesses not only internal authority but also external legitimacy in inter-state relations.

According to Wahbah al-Zuhaili, the fundamental concept of *Siyasah Dauliyah* relates to the effort to realize peace in international relations. Through this concept, it is hoped that a bridge of harmonization may be established between one state and another, thereby enabling cooperation oriented toward peace and preventing potential conflicts that may escalate into war (Zuhaili, 2011).

The foundations relied upon by the scholars in the concept of *Siyasah Dauliyah*, which also serve as the measure for assessing whether a given practice is consistent with Islamic values and principles, are as follows:

a. The Unity of Mankind

بِأَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٣﴾

“O mankind, indeed We have created you from a male and a female and made you into nations and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is All-Knowing and All-Aware.”

Although human beings differ in tribe, nation, skin color, region of origin, and even religion, they remain in essence a single human community, for they are all creatures of God living upon the earth with the same hope, namely to attain a happy and peaceful life. Therefore, every such difference ought to be approached positively so that people may complement one another, share their respective strengths, and compensate for one another's shortcomings (Djazuli, 2009)

b. Justice (*al-‘adālah*)

This principle affirms that every nation must be accorded its proper standing and granted respect for its rights, without any act that harms or violates those rights. A harmonious and peaceful life can only be realized if it is founded upon the principle of justice, both in relations among individuals and in relations among states. For this reason, the teachings of Islam emphasize the obligation to uphold justice in all circumstances—toward oneself, one’s family, and even toward those regarded as enemies.

Justice in law becomes inclusive when every individual receives equal treatment. Within this framework, respect for human dignity must be guaranteed universally and without discrimination (Rangkuti, 2026)

c. Equality (*al-musāwah*)

The principle of equality affirms that every nation must recognize other nations as parties of equal standing. In relations among nations, there must be no consideration of differences in race, religion, language, or social status in determining the right to establish cooperation and international interaction.

d. Human Dignity (*karāmah al-insāniyah*)

The principle of human dignity affirms that one nation must not demean another. This principle rejects all claims of superiority or inferiority among nations, for in essence every human being possesses an inherent, innate dignity. Therefore, the principle of human dignity must serve as the foremost foundation in building and maintaining relations among nations.

The act of arrest constitutes arbitrary conduct that is inconsistent with the principles contained in *Siyasah Dauliyah*, namely the principles of the unity of mankind, justice, equality, and human dignity, as articulated by Wahbah al-Zuhaili in his work *Fiqh al-Islām wa Adillatuhu*. In relations among states, the scholars have formulated a maxim, namely:

الأصل في العلاقة هو السلم

“*In principle, the foundation of relations among states is peace*” (Iqbal, 2014).

Islam gives priority to peace with any state whatsoever. For this reason, *Siyasah Dauliyah* does not by any means justify the use of force or the expansion into other states through illegitimate means; this is consistent with the provisions of customary international law and Article 2(4) of the UN Charter.

CONCLUSION

Based on the discussion set out above, it may be concluded that state sovereignty is a fundamental principle in international law that places every state in an equal position and free from the intervention of other states. This principle of sovereignty gives rise to the doctrines of state immunity and head of state immunity, which affirm that a sitting head of state cannot be subjected to the criminal jurisdiction of the courts of another state. Head of state immunity is a juridical consequence of the principle of the equality of states and the maxim *par in parem non habet imperium*, such that the arrest and trial of a head of state by another state is contrary to customary international law as well as to the principle of non-intervention in international relations.

The arrest of the President of Venezuela, Nicolás Maduro, by the United States through a unilateral military operation without a mandate from the United Nations Security Council and without

extradition procedures or international judicial cooperation constitutes an act contrary to Article 2(4) of the United Nations Charter, which prohibits the use of force against the territorial integrity and political independence of other states. In addition to violating the principle prohibiting the use of force, this act also contravenes the doctrine of head of state immunity, which affords legal protection to a head of state from the jurisdiction of other states for as long as he or she remains in office.

From the perspective of *Siyasah Dauliyah*, the head of state is regarded as the representation of political authority and the symbol of a state's sovereignty, such that an act directed against a head of state essentially constitutes an act against the state he or she represents. The principles within *Siyasah Dauliyah* such as the principles of equality, justice, human dignity, and the principle that relations among states are fundamentally grounded in peace affirm that the use of force and intervention against other states cannot be justified except under conditions that are lawful. Therefore, the arrest of the President of Venezuela by the United States is consistent neither with international law nor with the principles of *Siyasah Dauliyah*, for the act injures state sovereignty, violates the principle of non-intervention, and contravenes the principles of peace and justice in relations among states.

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