



## Humanitarian Dimensions of the Islamic Law of War: The Case of Prisoners of War

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### Abstract

*This qualitative study will be trying to explore the humanitarian aspects of Islamic law of war (Siyar) regarding prisoners of war (POWs) with the help of a comparison with international humanitarian law (IHL), especially the Geneva Conventions. Based on classical Islamic jurisprudence of the four major Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali) and modern literature, this paper examines the convergence and divergence between Islamic and international legal rules involving treatment of POWs. By using a systemic analysis of primary Islamic sources, the Quran, Hadith, and works of classical jurists, and through comparing Geneva Convention III, this study finds a significant overlap in the principles of humanitarianism, and identifies methodological differences. Results indicate that the two systems have underlying similarities in their dedication to humane treatment, protection of civilians, and controlled disposal of prisoners, but these differ in the outcomes and permissible actions that can be implemented. This paper builds upon the literature of legal pluralism by showing that the classical Islamic standards of humanitarianism have directions for the modern POW protection debate. The study has important suggestions to harmonization of international law, military pedagogy in Muslim predominant countries and humanitarian interfaith dialogue.*

### Keywords

Islamic Law of War, Prisoners of War, International Humanitarian Law, Geneva Conventions, Siyar

### Introduction

#### Background and Purpose

The dealing of the prisoners of war is a very crucial humanitarian issue in armed conflict and it shows moral and legal limitations that the civilizations have on the warfare. The modern international law regulates the protection of POWs based on the Third Geneva Convention of 1949 that puts forward a detailed framework of how captives of war should be treated humanely (Cakmak & Guneysu, 2021). But, centuries ago, Islamic jurisprudence established legal systems of war prisoners with the doctrine of the Siyar (the Islamic law of nations and war).

The Islamic legal tradition can be dated back to the 7<sup>th</sup> century of the Common Era and the humane treatment principles were practiced prior to the Geneva regime and are based on the Quran and the prophetic practice (Sunnah) of Muhammad (peace be upon him) (Al-Dawoodi, 2015). Imam al-Shaybani (d. 805 CE), Imam al-Sarakhsi (d. 1090 CE) and other classical jurists of four schools of thought, formulated the detailed rules of capture, detention, treatment and disposition of war captives (El Zeidy and Murphy, 2009).

This study will conduct systematic comparative study of humanitarian aspects of Islamic law with respect to POWs and contemporary IHL systems. The proposed research questions will be: (1) to assess the classical Islamic jurisprudence foundations of POW treatment as determined by four Sunni schools of law; (2) to determine the areas of convergence and divergence between the Islamic law and IHL; (3) to discuss humanitarian principles as they are reflected in Islamic jurisprudence; (4) to

evaluate the problem of legal pluralism in armed conflict; and (5) to make a contribution to legal pluralism scholarship in armed conflict.

### **Study Description and Context**

This qualitative study will be carried out between September 2024 and November 2025, through systematic analysis of textual sources of Islamic law as well as modern theoretical readings and interpretations of Islamic law and international law. The study relied on a review of the literature, covering 205 peer-reviewed articles, related to the treatment of POWs in Islamic law and IHL, 25 of which were highly relevant and published in Scopus indexed journals.

The interpretation of the Islamic law of war should take into account a number of contextual factors. Islamic law (Shari'ah) is a concept that Muslims perceive as a divinely ordained law that covers all the aspects of life, which also include armed conflict conduct. Quran and Sunnah are considered primary sources with additional supporting sources of scholarly consensus (ijma) and analogical reasoning (qiyas) (Bassiouni, 2013). The development of the siyar took place in certain historical circumstances, such as the early military campaigns of the Islamic world, their relations with the Byzantine, Persian and other civilizations. The rules of POW were developed by classical jurists as responses to the realities, on the basis of which they deduced the principles understood from sacred texts (Mekky, 2023).

The modern Muslim predominant states, are being operated under two legal systems, integrating Islamic culture with international law, including the ratification of the Geneva convention. Such legal pluralism generates the possibilities of reconciliation and possible tensions (Houmine, 2024). The last few decades have seen the presence of both the progressive scholarship that proves that Islamic norms of humanitarianism and IHL can be compatible, and extremist forms of misappropriation of Islamic concepts as a way of justifying atrocities, especially ISIS (Muhammadin, 2016).

### **Research Questions**

- RQ1: What are the general principles and rules that form the basis of POW treatment in classical Islamic jurisprudence in four major schools of thought?
- RQ2: What are major areas of convergence between the IHL and Islamic law in protection of POWs?
- RQ3: What are the major divergences in the Islamic legal framework and IHL in relation to POWs?
- RQ4: What are the contemporary ways of Muslim scholars and states in relations between Islamic legal and the IHL legal commitments?
- RQ5: What implications does this comparative analysis have for legal harmonization, military practice, and interfaith dialogue?

### **Literature Review**

#### **Classical Islamic Jurisprudence on POWs**

##### ***Qur'ānic and Prophetic Foundations***

The Quran lays down humanitarian treatment. The Surah al-Insan (76:8) also glorifies believers that feed the poor, orphan, and captive, thus creating humanitarian treatment (Dost, 2024). In Surah Muhammad (47:4) war is discussed: "When you encounter disbelievers in a fight, strike their necks until totally subdued and then bind them. Then either grant them by the grace, or by ransom, till the end of war" (Jeradat, 2024). This was interpreted by classical jurists as having definite allowable ends to which prisoners were to be relinquished: release (gratuitous or by ransom).

The actions of Prophet Muhammad put down some very important precedents. Many of which was understood from the treatment of seventy prisoners of Mecca in the Battle of Badr (624 CE): The Prophet consulted companions, agreed to ransom, and freed others in multiple ways, such as by teaching them literacy. This created standards of consultation, consideration of the individual, and prohibition of torture, and favoring release wherever possible (Jeradat, 2024). Prisoner exchange, general prohibition on mutilation and degrading treatment (Al-Dawoody, 2011) are also examples of prophetic precedents.

##### ***The Four Sunni Schools***

**Hanafi School:** has created most complete early treatment of the Siyar with the "*Kitab al-Siyar al-Kabir*" of al-Shaybani and the commentary of al-Sarakhsi. The Hanafi school of thought explains that adult male combatants have four options, namely execution and enslavement, release without payment, and ransom release; this is at the discretion of Muslim ruler (al-maishlah) according to the

interest of the people (maslahah) (Al-Dawoody, 2015). Nevertheless, taken captives are not to be subjected to inhuman treatment, they need proper food, shelter, healthcare as well as protection against harassment.

**Maliki School:** came up with their own, yet different rules. As the Maliki jurists believed, male combatants might be executed, put under ransom, or enslaved according to the interest of the community and more weight to the argument that they may be executed as default but mediated by mercy and strategic factors (Shendi, 2024).

**Shafi School:** Formulated stricter strategies, stating that the only options that can be allowed are execution or enslavement, and that ransom and free release might be allowed but not mandatory. The Shafi school of thought prioritized options should be based on the possible threat of prisoners and the benefit on community (Jawad and Sohail, n.d.).

**Hanbali School:** Adopted the same stand as that of Shafi'i but focused on adherence to particular prophetic precedents and that whatever alternative is adopted must be treated with dignity and taken care of in captivity (Yilmaz, 2023).

**Nevertheless, the agreement on basics was reached by all schools:** (1) humane treatment in the state of captivity; (2) women, children, elderly, and religious figures should not be executed; (3) torture and mutilation should be prohibited; (4) basic needs were to be supplied; (5) families should not be separated when they were taken captives (Abidin, 2023).

### ***International Humanitarian Law Framework***

The Third Geneva Convention of 1949, which was adopted in reaction to the POW abuse in WWII, sets up extensive standards that include: status of POW and its criteria; humane treatment; captivity conditions with regard to housing, feeding, medical care; disciplinary and judicial measures; labor needs; release and repatriation; and access to the ICRC (El Zeidy and Murphy, 2004). Additional Protocols in 1977 extended the rights to non-international wars, and defined combatant status (Houmine, 2024).

The main principles of IHL are: humane treatment (Article 13 demands POWs that they must at all times be subject to human treatment and that they must be safeguarded against violence, torture, cruel treatment); non-discrimination (Article 16); protection of person and honor (Articles 14-15); material conditions standards (Articles 25-32); the protection of intellectual and spiritual activities (Articles 34-38); the guarantees of disciplinary and judicial (Articles 82-108); and the requirements (Articles 109-119) (Shafie et al. n.d.).

### **Comparative Analysis in Literature**

#### ***Convergence Points***

The current literature finds extensive convergence. Cakmak and Guneyisu (2021) maintain that Siyar al-Kabir by al-Shaybani illustrates a foundational convergence to modern IHL, and the classical Islamic law introduced the protection analogous to those in Geneva. Both systems forbid torture, insist on human treatment, necessitate provision of basic necessities, and safeguard of non-combatants.

El Zeidy and Murphy (2009) record that there is a substantial similarity, which includes shared prohibition regarding: killing of prisoners after capture, torture and cruel treatment, humiliating treatment and arbitrary denial of basic needs. Combatants who are surrendering or are out of combat should be safeguarded and not killed, as understood by the two.

Bassiouni (2013) proposes that Islamic law as understood by the lenses of maqasid al-Shari'ah in which concepts of life (hifz al-nafs) and human dignity (karamah) are upheld is not only consistent with the international humanitarian standards. This method of interpretation underlines the overall purpose of Islamic law that pursues human well-being and justice encouraged by the rules of protection of prisoners.

#### ***Divergence Points***

**According to scholars, there are major divergences:**

**Conditions of Triggering:** Islamic law conventionally used to implement the application of Siyar on the basis of the religious identity (Muslim vs. non-Muslim) or on the basis of the territory nature (dar al-Islam vs. dar al-harb), however, IHL is applied on the basis of the existence of armed conflict irrespective of religious identities (El Zeidy and Murphy, 2009).

**Permissible Outcome:** Classical Islamic law accepted execution and enslavement as permissible (at the discretion of the ruler, as a consideration of maslahah) but modern IHL has made it a

comprehensive taboo. The Geneva Convention III demands the release and repatriation of POW following wartime and lacks an execution and enslavement clause (Muhammadin, 2023).

**Differences in methodology:** Islamic law is founded on the divine revelation explained using the hermeneutical approach, and IHL is founded on the consent of states expressed in the treaty and customary law (Mekky, 2023).

**Status Determination:** Geneva Conventions set out more specific procedures followed in determining combatant status in cases of doubt (Article 5 tribunals), where classical Islamic jurisprudence set out procedures that were less formalized, but required discretion on the part of the commander and jurist (El Zeidy and Murphy, 2004).

**Mechanisms of Enforcement:** IHL has international enforcement (International Criminal Court, universal jurisdiction, protecting powers), and the classical Islamic law was based mostly on the duty of Muslim rulers and community responsibility (Qayyum, n.d.).

### **Contemporary Debates**

Muhammadin (2023) introduces the current controversy on the issue of permissibility of execution. There are those that suggest that *maslahah* reasoning can support execution under certain conditions but there are those who suggest that the preference of Quran on release/ransom and modern norm that effectively bar execution.

Muhammadin (2016) focuses on the violation of the Islamic law as well as the IHL by ISIS such as mass executions, torture, and sexual enslavement. The mainstream academic community denounces these as breaching of Islamic law, and it has made a difference between legitimate and extremist misuse.

**Viable harmonization strategies are:** *maqasid*-based interpretation by Bassiouni (2013) that highlights humanitarian goals; the interpretation by Houmine (2024) that Muslim states at the same time can assert Geneva protection and the Islamic identity by considering IHL as a modern specification of universal humanitarianism; and the suggestion by Shendi (2024) to consider Geneva protection as minimum standards and Islam-based classical principles as the additional source of moral authority.

### **Theoretical Frameworks**

**Legal Pluralism:** It acknowledges the existence of two or more legal frameworks in the same social field which is useful in understanding how states dominated by Muslims can deal with potentially incompatible demands (Yousaf, n.d.).

**Maqasid al-Shari'ah:** Establishes the essential objectives of the Islamic law as the protection of religion, life, intellect, lineage, and property. Such framework is utilized by contemporary scholars to understand particular rules in the focus of humanitarian purposes (Muhammadin, 2023).

**Comparative Treaty-Law Mapping:** This is systematic comparison of the sources of Islamic law and Geneva Convention articles to determine areas of overlap, shortcomings and contradictions (El Zeidy and Murphy, 2009).

**Historical-Hermeneutical Analysis:** History traces the evolution of legal doctrine and how historical circumstances influenced its interpretations and how modern jurists could respond in similar ways to the present realities (Al-Dawood, 2015).

### **Research Gaps**

Among the gaps identified in literature are: (1) there is little cross-school comparative analysis; (2) lack of empirical analysis of state practices; (3) there are inadequate integration frameworks on how military decisions are made; (4) there are few studies that focus on non-Sunni views. This paper seeks to deal with these gaps employing systematic comparative study and paying heed on both foundational doctrines and modern usage.

### **Methodology**

#### **Research Design**

This qualitative comparative legal study uses systematic textual analysis and interpretation techniques on examining humanitarian aspects of the Islamic POW law as compared to IHL frameworks. This research incorporates doctrinal approach to law with comparative analysis in the form of a two-step analysis:

**Phase 1:** Systematic study of the Islamic legal texts (Quran, Hadith, classical fiqh texts) to determine the rules, principles and interpretive frameworks used to treat POWs in four Sunni schools.

**Phase 2:** Comparative mapping of the Islamic legal principles and Geneva Convention III provisions that establish convergence, areas of divergence and harmonization.

### **Setting and Sampling**

**Temporal Setting:** Classical Period (7th-13th centuries CE) in connection with the formative Islamic jurisprudence; Contemporary Period (1949-2025) dealing with modern IHL era.

**Sampling Strategy:** The authoritative sources were chosen using purposive sampling.

Primary Islamic Sources: Quranic verses (Surah Muhammad 47:4, al-Anfal 8:67, al-Insan 76:8); authoritative collections of Hadith; canonical fiqh texts of either school ("Kitab al-Siyar al-Kabir" by al-Shaybani, "Sharh al-Siyar al-Kabir" by al-Sarakhsi etc.).

**International Instruments:** Geneva Convention III (1949); Supplementary Protocols I and II (1977).

**Secondary Sources:** The search in comprehensive databases provided 866 papers, which were deduplicated to 205 unique papers, the most relevant Scopus-indexed 25 papers were selected on the basis of relevance, peer-review status, diversity in perspectives, and diversity in institutions.

### **Data Collection and Analysis**

**Textual Analysis:** A close reading of Quranic verses, Hadith and fiqh books that look at the specific rules, principles and others, situational considerations and differences among schools of thought. The recurring themes (humane treatment, permissible outcomes, status criteria, enforcement mechanisms) were determined through thematic coding.

**Comparative Legal Analysis:** The study of legal rules in each system, through doctrinal analysis; the parallel issues studied structurally; normative analysis of underlying values; historical-contextual analysis of how contexts design development;

**Thematic Analysis:** First open coding, theme formation by grouping of themes, repeated refinement by constant comparison, and themes interpretation of what humanitarian dimensions say of the theme.

**Framework Synthesis:** Using theoretical frameworks, results synthesized to provide integrated framework about humanitarian aspects and IHL relationship, how Islamic legal thinking invokes international norms, where harmonization can be done, how modern Muslims negotiate dual commitments, and practice implication.

### **Results and Discussion**

#### **Foundational Islamic Principles**

**Sanctity of Life and Human Dignity:** The analysis of Sanctity of life (hurmah al-nafts) and human dignity (karamah al-insan) are some of the foundations. Quran states: Whoever takes away a soul, It is as if he slew mankind altogether (5: 32). This was used by classical jurists to limit the violence of war (Al-Shammari et al., 2024). Karamah is clearly identified: We have respected the children of Adam (17:70), putting down minimum respectful treatment, which prohibits the degradation of prisoners (Shendi, 2024).

**Proportionality and Necessity:** The Quran teaches: Fight those who fight thee, yet are not transgressors (2:190). According to the classical jurists, transgression was excessive violence, non-combatant target, and unnecessary cruelty (Iwansyah, 2019). The taboo against slaughtering of captives is a replica of the principle that when combatants are hors de combat, they no longer permit military necessity to use force.

**Mercy and Compassion:** Prophetic tradition insists on mercy (rahmah): Allah has mercy to people who are merciful (Sunan Abu Dawud). This informed treatment of prisoners such as ransom reception and family separation ban (Jeradat, 2024). Humanitarian behavior is brought to the same spiritual level of excellence as Quranic praise of feeding captive (76:8) inspires treatment of prisoners with humane attitude that goes beyond the minimum legal standards.

#### **Convergence Analysis**

**Prohibition against Torture and Cruel Treatment:** Each system is categorical in its prohibition of torture. Geneva Convention III Article 13 necessitates the humane treatment and protection against torture, inhumane treatment. Mutilation was prohibited by Prophet: "Do not mutilate" (Sahih Muslim). Al-Shaybani forbade the use of beating, tortures, and mistreatment of prisoners (Cakmak and Guneyisu, 2021). There is a similarity in the point of view of all four schools because, based on mutual understanding, gratuitous violence is a futile thing, it is an infringement of human dignity.

**Provision of Basic Necessities:** They both instruct for proper food, water, shelter, clothing, and medical service. Geneva Convention III sets specific and elaborate standards (Articles 25-27, 30). Similar obligations are set by the Islamic law. The Quran encourages feeding of captured prisoners

(76:8) which necessitates proper nutrition. Classical jurists defined that prisoners have the same standard of food as Muslim soldiers, and proper accommodation and treatment. (Abidin, 2023).

**Protection of Non-Combatants:** Both differentiate between combatants and non-combatants with special protection to the non-combatants. Geneva Convention III determines POW status according to combatant activity; Additional Protocol I explains civilians lose protection only when they actively participate in hostilities (Article 51(3)). Similarly, Islamic law also differentiate between combatants (*muqatilun*) and non-combatants. Classical jurists were of the opinion that women, children, elderly, disabled, and religious leaders should not be targeted or killed in case they were captured (Mohd Ali et al., 2011).

**Prohibition on Humiliating Treatment:** Article 13 of the Geneva Convention III emphasises that all must be guarded against humiliating and degrading treatment. The Islamic law provides similar protections based on *karamah*. The Prophet also forbade the humiliation in public, and demanded the respectful treatment (Shendi, 2024). No one should spectacle prisoners as naked nor make fun of them (Houmine, 2024).

**Family Unity:** Geneva Convention III states that correspondence with family is needed (Articles 70-71) and that notification of capture is needed (Article 122). The Islamic law is very against the separation of families of those who are captured. The Prophet is quoted saying: "Whoever separates mother and child, Allah will separate him on the Resurrection Day, loved ones as well (Sunan al-Tirmidhi). Classical jurists did not allow families of captured to be separated (Yilmaz, 2023).

### **Divergence Analysis**

**Permissible outcomes:** The greatest divergence is fates of ultimate prisoner. The contemporary IHL stipulates that POWs must be held in case of hostilities after which they should be released and sent back to their countries (Articles 118-119). An execution is forbidden except as penalty to crimes through proper procedures (Articles 82-108). The slavery is forbidden completely.

**In classical Islamic law, there are four outcomes:** (1) execution, (2) enslavement, (3) ransom release, or (4) gratuitous release, and these options depend on the ruler who chooses the variant of *maslahah* (Muhammadin, 2023). The classical jurists defended the execution with references to reciprocity, deterrence, military necessity, and punishment. Execution however was not a necessity and mercy is better generally.

Modern Muslim scholars differ themselves in this regard. It has been argued by that Quranic verse: "either release by grace or ransom" (47:4) provides only two choices of release and ransom and forbids execution. Some argue that death penalty can only be exercised in exceptional cases with reference to *maslahah*. The third line of argument is that Geneva Convention ratification as commitment is binding above classical opinions (Bassiouni, 2013).

On the issue of enslavement, modern scholars are unanimously opposed to the permissibility, contending: (1) the international prohibition reflects the universal moral consensus that should be enshrined in Islamic law; (2) the *maqasid* that stresses the importance of human dignity cannot be compatible with enslavement; (3) changed circumstances suggest that this practice ought to be reinterpreted; (4) the commitments of the treaty are the reason why enslavement should be banned (Bassiouni, 2013; Houmine, 202)

**Other Divergences:** Systems vary in the conditions of triggering (religious-political types and factual armed conflict); the determination procedures of status (discretionary and formalized tribunals), and the enforcement procedures (domestic/divine vs. international institutions). These represent various contexts of historical, cultural and institutional development.

### **Contemporary Applications**

**Muslim-Majority State Practice:** The majority of states that have a majority of Muslims ratified the Geneva conventions and the inclusion of IHL to the military law creator the impression that the Islamic law and the IHL are complementary. Military manuals that reference both frameworks found in states like Egypt, Jordan, Pakistan, Indonesia, and Malaysia (Houmine, 2024). The constitutional systems proclaim the Islamic law as the main source of legislation and also remain committed to international obligations. Nevertheless, the problems of implementation remain, which represent political will, military discipline, and the lack of accountability issues and not the incompatibility of the law.

**Non-State Armed Groups:** ISIS and other extremist groups have committed an atrocious level of violations such as mass executions, torture, and sexual enslaving (Muhammadin, 2016). These were

denounced by Muslim scholars around the globe, pointing out: (1) classical views which allowed execution were subject to strict conditions; (2) torture is an outright prohibition, (3) the modern practice of enslaving people is an infringement of maqasid; (4) these groups did not have any legitimate authority.

**Reinterpretation Movements:** Modern Islamic scholarship encompasses influential reinterpretation movements that make use of: maqasid-based reasoning that higher objectives necessitate reinterpretation of classic rules of execution/enslavement; historicization based on context in which classical opinion is seen as being a product of its context; and treaty-based harmonization on the ground that Geneva ratification is a binding obligation according to the rules of contractual obligation (Bassiouni, 2013; Muhammadin, 2023; Houmine, 2024).

### **Methodological Difficulties and Ethical Dimensions**

**Methodological Problems:** Arabic legal terms have an interpretive uncertainty when it comes to their translation. Classical texts show various views that do not have evident dominant stands. Historical contextualization involves inferring based on limited evidence. Research centered on the Sunni jurisprudence because of the limitations. The empirical state practice data was limited. There are no clear boundaries of normative-descriptive analysis.

**Ethical Implications:** The study was conducted in accordance to intellectual honesty, and with no misrepresentations of Islamic positions. Adherence to the Islamic law as a living religious tradition. Recognized weaknesses and researcher positionality. Avoided using Islamic law as a political instrument, aiming at a moderate academic interpretation.

**Ethical Implications:** The responsibility of interpretation has an impact on the lives of human beings- the prisoners who can be executed or safeguarded. Extremism is confronted by research and maked to be violation of Islamic law. Promotes legal harmonization through finding convergence. Places recognition on the historical injustices of the Islamic and the Western civilization.

### **Conclusions**

#### **Key Findings**

**Finding 1:** IHL and Islamic law have a high level of converging foundations on the principles of humanitarianism. Taking both, they outlaw torture and inhuman treatment; demand provision of basic needs; safeguard non-combatants; inviolable human dignity; provide proportionality and necessity as limiting principles. The protections rules set by classical sources in Islam were devised long before Geneva regime, exhibiting humanitarian concern for prisoners is universal values in all civilizations.

**Finding 2:** Permissible ultimate outcomes are the most important points of divergence. The classical Islamic law acknowledged execution and enslavement as permissible (at the discretion and maslahah) but the modern IHL has prohibited the two unconditionally. Nevertheless, a trend in modern Islamic scholarship towards prohibition is maqasid-directed reinterpretation, historicizing contextualization, and recognition of treaty obligations, which argues that there is a possibility of harmonization by authentic reinterpretation.

**Finding 3:** Systems vary methodologically on their foundations (divine revelation vs. state consent), condition of triggering (religious-political categories vs. factual armed conflict), the status determination (discretionary vs. formalized), and enforcement (domestic/divine vs. international). These are unique historical, cultural and institutional development contexts.

**Finding 4:** The modern states with the majority of Muslims tended to endorse the Geneva Conventions and included IHL in military law offering models as complementary. Nevertheless, there is vast difference in implementation. Differences are manifestations of political, military, and accountability problems that prevail across all states instead of incompatibility.

**Finding 5:** Radical organizations that purport to be acting in an Islamic-legitimate manner had a gross violation of both the Islamic and IHL. These were denounced as violations by mainstream scholarship which shows extremist behavior indicates misappropriation but not genuine application. This stresses the significance of authoritative Islamic legal training.

**Finding 6:** The modern Islamic scholarship is also characterized by a substantial reinterpretation movement of adjusting to the modern humanitarian standards without sacrificing engagement to the authentic sources using the maqasid-based reasoning, historicization based on contextualization, and harmonization based on treaty.

**Implications**

**Theoretical Implications:** The study presents a value of legal pluralism in the study of religious-secular system interaction. To do the effective comparative analysis, it is necessary to comprehend the inner logic of each system. The findings confirm subtle universalism-particularism stance: through the existence of large amounts of convergence, there are universal values; however, the presence of divergences also indicates that universal values can be expressed in culturally specific systems. Modern reinterpretation shows that legal traditions are developed in the authentic way to draw progressive conclusions.

**Practical Implications:** As for the military activities of Muslim majority contexts, convergence would ensure cooperation and conformity. In the case of humanitarian organizations, Islamic knowledge increases the credibility and effectiveness. Comparative curricula need to be introduced in law schools. Common values can be used to establish interfaith dialogue. Examples of Islamic law contravention by extremists are also a great tool of counter-narrative against extremist recruiting.

**Recommendations**

**In the case of the Muslim-Majority States:** (1) Realign military law and training with both Geneva commitments and Islamic values; (2) create a system of independent juristic advisory bodies to guide armed conflict; (3) enhance domestic accountability structures; (4) make active participation in international IHL forums with the views of Islam.

**In the case of International Humanitarian Organizations:** (5) Introduce Islamic legal views in advocacy and training; (6) Fund Islamic law schools of armed conflict.

**In the Case of Academic Institutions:** (7) Establish comparative Islamic law-IHL programs; (8) Develop empirical investigation program into state practice and cross-madhab cross-aggregations as well as integration frameworks.

**In the case of Religious Institutions:** (9) Provide authoritative instruction on POW treatment in detail, covering the exclusion of torture, treatment in a humane manner, modern arguments against the death penalty or enslavement, and oppression by extremists; (10) Arrange interfaith Humanitarian Dialogue.

**For Civil Society:** (11) Supervise adherence of the state to both frameworks and promote accountability; (12) counter extreme narratives with educational material focusing on mainstream consensus.

**In case of International Legal Development:** (13) Identify and integrate legal pluralism into the IHL discourse; (14) Favor reinterpretation initiatives within the religious traditions that acknowledge genuine participation over tradition foresight.

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