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## ***Jus in Bello: Principles of War in Islamic international law As-Siyar and International Humanitarian Law IHL***

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### **Abstract**



*The Islamic jurisprudence and international law has been a subject of scholarly exploration for centuries, and the principles governing armed conflict within an Islamic framework have deep historical roots. This research delves into the multifaceted dimensions of the Principles of War in Islamic International Law, seeking to analyze the foundational tenets that guide military engagements in accordance with Islamic legal traditions. The study begins by elucidating the Islamic perspective on war, emphasizing the significance of just causes and ethical considerations that underpin the decision to engage in armed conflict. It explores Islamic jurisprudence to establish a comprehensive understanding of the principles that regulate warfare within an Islamic paradigm. Furthermore, the research investigates the concept of jus in Bello in Islamic thought, addressing issues such as proportionality, distinction, and the treatment of non-combatants during armed conflict. This research paper seeks the principles of war in Islamic international law, to foster an inclusive dialogue that bridges the gap between Islamic legal traditions and the broader context of international relations.*

### **Keywords**

*Islamic Jurisprudence, Principles of War, Jus in Bello, Jihad in Islam, International Humanitarian Law, Ethics of Armed Conflict.*



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## 1. Introduction

The intersection of Islamic principles and international law has long been a captivating field of study, particularly in the context of armed conflict. This research embarks on an exploration of the "Principles of War in Islamic International Law," delving into the rich tapestry of Islamic jurisprudence to unravel the ethical and legal underpinnings that guide military engagements within the Islamic tradition. As the global community grapples with evolving notions of warfare and humanitarian concerns, understanding the principles that govern armed conflict in Islam becomes not only an academic pursuit but a critical endeavor for fostering a comprehensive dialogue between Islamic legal traditions and contemporary international law. This research paper commences by illuminating the Islamic perspective on war, anchored in the Quranic revelations, Hadiths, and classical Islamic legal texts. It seeks to decipher the foundational principles that dictate when and under what circumstances armed conflict is permissible in Islam. The examination extends to the concept of *jus in bello*, scrutinizing the application of principles such as proportionality and distinction within Islamic teachings and their relevance to modern international humanitarian law.

Additionally, the research explores the dynamic concept of *jihad* in Islam, unraveling the criteria and conditions that define both defensive and offensive *jihad*. By examining historical precedents and contemporary interpretations, the study aims to elucidate how the Islamic understanding of *jihad* aligns with or diverges from prevailing international norms.

This research significance in bridging between Islamic principles and international law, particularly in the realm of armed conflict. By explaining the foundational principles outlined in Islamic jurisprudence, the research contributes to a deeper understanding of ethical considerations and legal frameworks within the context of war. The findings are composed to inform interfaith dialogue, enrich legal scholarship, guide policy making in regions with significant Muslim populations, and enhance humanitarian and peace building efforts. In a global landscape marked by diverse cultural and religious perspectives, this research serves as a valuable resource for fostering greater understanding, facilitating more informed decision-making, and promoting ethical conduct in armed conflict scenarios.

## 2. Methodology of the research

This research adopts a qualitative, descriptive, and analytical approach to investigate the Principles of War in Islamic International Law As *Siyar*. The study involves an in-depth review of primary sources such as the Quran and Hadiths, along with classical Islamic legal texts. Through qualitative document analysis, the research

seeks to provide a descriptive account of the foundational principles governing armed conflict within Islamic jurisprudence.

International law, the body of legal rules, norms, and standards that apply between sovereign states and other entities that are legally recognized as international law will be taken from the literature.

### **3. International Law on War in Islamic Perspective**

Islamic international law *As Siyar* defined as, “the set of rules that are binding on Muslims in their relations with. Non-Muslims, whether they fight the Muslim state or have peaceful relations, whether they are individuals or states, and whether they are inside Muslim territory or outside of. It. The law of war is the component of international law that regulates the conditions for initiating war (*jus ad bellum*) and the conduct of hostilities (*jus in bello*). Laws of war define sovereignty and nationhood, states and territories, occupation. National law of war refers to “a country’s set of legal principles, regulations, and guidelines that govern the conduct of its armed forces during armed conflicts. These laws are specific to each nation and are designed to ensure that military operations adhere to ethical standards, respect human rights, and comply with international humanitarian law. The national law of war typically includes rules of engagement, protections for civilians and prisoners of war, guidelines on the use of force, and other regulations aimed at promoting humane and just conduct during times of war”.<sup>1</sup>

Islamic international law of war, often referred to as Jihad in Islamic jurisprudence, encompasses legal principles derived from Islamic teachings that regulate the conduct of Muslim individuals and nations during armed conflicts. It is based on interpretations of the Quran and the Sunnah (traditions and practices of Prophet Muhammad). Islamic international law of war refers to the set of legal principles within Islamic jurisprudence that govern the conduct of armed conflict by Muslims, emphasizing just causes, ethical conduct, protection of non-combatants, and adherence to Islamic teachings and values during wartime. The sources or the tools used by Muslim jurists to develop the Islamic law of war include the following: the Qur’ān, the Sunnah early Islamic precedents, consensus among the jurists and the public interest.

### **4. Ethical Principles of War in Islamic Law**

#### **4.1 Just war**

Quran emphasized on Just killing of human being, therefore Prophet Muhammad saw emphasizes not to killing a person and advised the companion while sending to campaigns by using the Ethical Conduct (*Adab al-Harb*) Not to kill aged men. Not to kill young infants Not to kill women. Not to be dishonest about booty. Not to mutilate

the dead bodies of the enemies. Not to bring harm to the trees or burn them with fire. Not to slay any of the enemy's flocks and finally Not to cause any harm to those people who devote their lives for to monastic services.

#### **4.2 Proportionality**

The use of force should be proportionate to the threat faced. Excessive force and indiscriminate violence are discouraged. Islamic law promotes ethical behavior during war. This includes treating prisoners of war humanely, avoiding torture, and respecting the dignity of individuals.

#### **4.3 Declaration of War (Tazkia)**

A legitimate authority, such as a ruler or a recognized Islamic institution, should declare war. Vigilante actions or unauthorized warfare are not condoned.

#### **4.4 Offer of Peace (Sulh)**

Muslims are encouraged to seek peaceful resolutions before engaging in war. If the enemy expresses a willingness to negotiate, Muslims should consider peaceful alternatives.

#### **4.5 Limited Duration (Muhadhdhab)**

War should not be prolonged unnecessarily. Once the objectives are achieved or a just resolution is reached, hostilities should cease.

#### **4.6 Protection of Places of Worship and Religious Minorities**

Islamic law prohibits the destruction of places of worship and ensures the protection of religious minorities, allowing them freedom of worship.

#### **4.7 Humanitarian Aid and Assistance (Ighatha)**

Providing humanitarian aid to those affected by conflict, including both Muslims and non-Muslims, is encouraged. Despite their different origins and frameworks, Islamic values and modern international humanitarian law (IHL) have several points in agreement.<sup>2</sup>

### **5. Islamic Principles on *Jus a Bello* and International Humanitarian Laws (IHL)**

Islamic principles, which are based on the Quran and Sunnah, emphasize compassion, justice, and kindness. Even during times of strife, the Quran instructs Muslims to safeguard the rights and dignity of all individuals. Islamic principles derive from the Quran and Sunnah, considering divine revelation as the ultimate source of guidance. In contrast, IHL is based on international agreements and treaties, with a foundation in secular legal principles. Developed from the Hague and Geneva Conventions, IHL is concerned with minimizing the impacts of armed conflicts, protecting civilians, and assuring humane treatment of captives and wounded combatants.

### **5.1 Civilian Protection**

During wartime, Islam emphasizes the protection of civilians, non-combatants, and their property. Indiscriminate civilian harm and infrastructure devastation are harshly condemned. Similarly, IHL contains rules to protect people from the impacts of wars. The differentiation principle requires a clear delineation between combatants and non-combatants.

### **5.2 Torture is prohibited during and after war**

Torture is categorically prohibited in Islam. Humane treatment of prisoners, including opponents, is emphasized, reflecting wider Islamic principles of kindness and justice. International humanitarian law, namely the Geneva Conventions, outlaws torture and inhumane treatment of prisoners of war and detainees. A key value is the compassionate treatment of those in captivity: There is alignment in rejecting torture and cruel treatment. Islam categorically prohibits torture, and IHL, through various conventions, explicitly prohibits the torture and ill-treatment of detainees, including prisoners of war.

### **5.3 Proportionality**

Islamic traditions emphasize proportionality in the use of force during disputes. Excessive and disproportionate injury is discouraged, in accordance with the justice concept. Proportionality is an important aspect of IHL. It mandates that the use of force be limited to what is required to achieve a legitimate military purpose while minimizing unnecessary suffering. Islam advocates humanitarian help, particularly to people harmed by strife. Zakat, one of Islam's Five Pillars, includes charitable offerings to those in need. Humanitarian assistance is an important part of international humanitarian law. It emphasizes the need to allow and assist the transit of humanitarian supplies to victims of armed conflict.<sup>3</sup>

### **5.4 Cultural and religious sites must be respected**

According to Islamic beliefs, cultural and religious sites are sacred and should not be desecrated during wars. International humanitarian law includes rules to protect cultural and religious property, recognizing their importance and the necessity to preserve them throughout armed situations. While there are some principles that are similar, it is crucial to recognize that there are distinctions due to the various historical, cultural, and legal settings from which Islamic principles and modern IHL derive. Furthermore, the interpretation and application of these concepts can differ between researchers and states. Islamic principles and modern international humanitarian law (IHL) emphasize the protection of human dignity. They share a commitment to

minimizing the suffering of individuals during armed conflicts and preserving their inherent worth. Proportionality in the Use of Force Islamic principles and IHL stress the importance of proportionality in the use of force. The idea is to prevent unnecessary harm and destruction during armed conflicts, reflecting a commitment to justice.

### **5.5 Protection of Human Dignity : Civilians and Non-Combatants**

Islamic principles and IHL prioritize the protection of civilians and non-combatants. The deliberate targeting of non-combatants is condemned, aligning with the shared goal of minimizing harm to innocent lives. Both systems advocate for the humane treatment of captured individuals. Islamic principles emphasize mercy even towards enemies, while IHL, particularly the Geneva Conventions, establishes standards for the treatment of prisoners of war. Islamic principles, in some interpretations, may have different views on the treatment of apostates during conflicts. While some Islamic scholars argue for leniency, interpretations may vary, leading to divergence from IHL standards on religious freedom. Understanding these areas of convergence and divergence is crucial for navigating the complexities of applying ethical and legal principles in situations of armed conflict. It highlights the need for dialogue and understanding between legal and religious frameworks to promote humanitarian values universally.<sup>4</sup>

## **6. *Jus ad Bellum* (Right to War) Islamic Principles of War, Legal Framework and Enforcement**

Islamic ethics regarding war are outlined in the principles of *Jus in Bello* (justice in war) within Islamic law. Proportionality: Military activities ought to be proportionate to the danger confronted, keeping away from unreasonable power that might hurt regular citizens or non-soldiers. Discrimination: Warriors should recognize soldiers and non-warriors, saving regular folks and the people who don't partake in threats. Treatment of Detainees of War: Islamic regulation underlines accommodating treatment of detainees of war, forbidding torment or abuse. Prisoners are to be treated with poise and accommodated their fundamental requirements. Insurance of Regular citizens: Purposeful focusing of regular folks is completely restricted. Islamic morals stress the insurance of blameless regular people, their property, and foundation. Natural Contemplations: Stay away from superfluous damage to the climate during fighting, as Islam supports mindful stewardship of the Earth. Declaration of Goal: Islamic practice suggests cautioning rivals prior to sending off an assault, permitting regular folks to empty and warriors to give up.

IHL primarily focuses on *jus in bello* (justice in war), regulating conduct during

armed conflicts. Islamic principles encompass both jus in bello and jus ad bellum (justice in the reasons for going to war), with criteria set for the just causes of war in Islam. IHL operates within a well-defined legal framework governed by international treaties and conventions. Enforcement mechanisms involve international courts. In contrast, Islamic principles rely on moral and ethical guidance, often enforced at the individual or state level based on interpretation by religious authorities.

### **6.1 Just Cause in Islamic jurisprudence**

In Islam, the concept of war in Islamic jurisprudence is a war is considered just (Jihad) if it meets certain criteria, including self-defense, protection of religious freedom, and just treatment of prisoners and civilians. The decision to go to war is subject to careful ethical considerations in Islam. Requirements of a Formal Declaration of War in Islamic Law, A proper statement of war ordinarily includes a few key components, Clear Purpose, The announcement ought to unequivocally express the goal to go into equipped clash. Identification of parties, Clearly identify the parties to the conflict, naming the nations or entities that are regarded as adversaries. Justification, Give reasons or legitimization to announcing war, framing the complaints or dangers that have prompted this choice. Authority, The announcement ought to come from an equipped power, frequently a head of state or regulative body, contingent upon the country's established cycles. Communication, Tell the enemy and important worldwide bodies, for example, the Assembled Countries, about the statement to guarantee straightforwardness. In Islam, the conduct of war involves both proactive and defensive aspects, guided by principles outlined in Islamic jurisprudence. Criteria for Just War in Islam Self-Defense: The primary justification for war in Islam is self-defense against aggression<sup>5</sup>.

### **6.2 Jihad for Protection of Religion Objective of Shariah**

War may be waged to defend the freedom of religion and protect the rights of Muslims to practice their faith. Legitimate Authority: Only duly constituted authorities have the right to declare war in Islam. Proportional Response: The response in war must be proportionate to the threat faced, and excessive force or harm to civilians is generally prohibited. Last Resort: War should be a last resort after exhausting all peaceful means of resolving conflicts. Avoidance of Harm to Civilians: Deliberate harm to non-combatants, including women, children, and other non-combatant individuals, is strictly prohibited. Humane Treatment of Prisoners: Captured prisoners of war are to be treated with dignity and humanity, in accordance with Islamic principles. The term "Jihad" in Islam extends beyond armed conflict. It also includes the struggle for self-improvement, righteousness, and the propagation of Islam peacefully. Proactive

aspects involve spreading the message of Islam peacefully, inviting others to embrace the faith through dialogue and example<sup>6</sup>.

### **6.3 Defending Religious Freedom**

Proactively engaging in activities that protect the freedom of religion, allowing Muslims and others to practice their faith without oppression. Islam permits the use of force in self-defense when Muslims are under threat or attack. Defensive jihad is considered a just war according to Islamic principles. Defensive aspects include safeguarding the Muslim community from external threats, ensuring their security, and preserving their ability to practice Islam freely. Even in defensive wars, Islamic principles emphasize the humane treatment of prisoners of war and avoidance of harm to non-combatants. Excessive force and indiscriminate violence are not condoned. Defensive wars should be declared by legitimate authorities, ensuring that decisions to go to war are made responsibly and in accordance with Islamic principles.<sup>6</sup>

### **6.4 Concept of Proportionality in Islamic Law**

In the Islamic International Law, proportionality designates that in armed conflict the use of force must be proportionate to what is sought. This rule is deeply ingrained in Islamic Jurisprudence and reflects the ethical concerns with respect to how war should be waged within an Islamic context. Islamic proportionality is not simply a matter of calculating forces, but rather an all-encompassing ethics. The Quran, which stresses justice and equity as its foundational source. It provides incentives to the use of moderation even in the darkest depths of military conflict. Islamic scholars have carried out deep discussions defining the boundaries of proportion in war. Islamic thinking teaches that proportionality means carefully weigh up such matters as the lawfulness of military targets, possible civilian casualties and damage to social order. This is not a rigid formula, but merely an invitation to thoughtful consideration of the moral aspects of using force against another. In addition, the application of this principle does not stop with kinetic warfare but extends to decisions involving economic sanctions and blockades or other so-called nonmilitary measures. In his sayings the Prophet Muhammad points out that even in battle one should avoid excess. This is a timeless expression of the pledge to justice and humanity, not only for herself but also even those at odds with her. The principle of proportionality implies that conflict resolution must be carried out in a just manner. This requires not only a rethinking of military strategies, but parallel diplomatic work aimed at identifying the causes of conflicts and thus promoting Islam's principles for peace and social justice. In sum, Islamic International Law's principle of proportionality underlines the ethical aspects in armed conflict. That requires an intelligent and



considered; approach, emanating from Islam's stress upon fairness, moderation in all things, and the cherishing of life even at times of war.<sup>7</sup>

### **6.5 Balance between Military Necessity and Civil Protection**

One of the fundamental problems in Islamic International Law is where to draw the delicate line between military need and civil protection. The Quran and the Sunnah sanctify non-combatants, making it imperative that harm to civilians and their property be as slight as possible. Understanding this equilibrium requires a historical and detailed examination of each conflict. Military necessity may justify the use of force; it cannot, however, be used by way of a blanket justification for unrestricted violence. Islamic jurisprudence emphasizes that the means and methods involved should be examined fairly, in terms of justice and mercy. Islamic International Law refined approach, taking into consideration the relation of means to military objectives and possible harm from incidental civilian injury<sup>8</sup>.

### **6.6 Treatment of Combatants and Non Combatants**

Islamic law differentiates between those who are permissible targets in war and those who are not. Thus providing for two categories: firstly, al-muqatilah (combatants) and ghayr al-muqatilah (non-combatants). Al-Rāzī a renowned Islamic law Scholar defines the term al-muqātilīn (combatants) as “*those who take part in the hostilities, according to him, anyone even if he is willing to fight cannot be considered as combatant until he enters into combat.*” Thus, civilians or non-combatants are understood to be the ones who are not taking part in hostilities. Islamic law permits women to directly participate in hostilities thus granting women the status of Combatant.

This principle of distinction is enshrined in both the primary as well as secondary sources of Islamic law. The primary sources of Islamic law guarantee protection to civilians while commanding that fighting must only be directed against enemy combatants. Ibn Qayyum has indicated the Islamic position regarding those who can be targeted during war as follows: “*Muslims must fight those who attack them, but not those who do not attack them.*” This statement expressly affirms the principle of civilian protection in Islamic *jus in bello*. Moreover, the principle of distinction has been enshrined in the following verse of Holy Quran which states that;

“Fight in the cause of Allah those who fight you but do not transgress limits; For Allah loveth not transgressors”.

This verse has been interpreted to mean that non-combatant enemies should not be attacked and any attack against women, children, elderly etc is an act of aggression that angers the Almighty Allah.<sup>8</sup> This verse has been held to have two meanings;

firstly, Muslims should not initiate hostilities unless waged by the enemies. Secondly, only those should be targeted who directly take part in combat.<sup>9</sup>

According to Shaybani, a Muslim Army has to only fight against combatants and, therefore, they cannot kill women, children, elderly, and like persons who are not taking direct part in the combat. Additionally, the principle of distinction also finds support from the *Sunnah*, commonly known as the traditions of the Holy Prophet. Reference may be made to the traditions wherein the Holy Prophet is reported to have said, “Do not kill women and Children”. “Do not kill an aged person, a young child or a woman”. “Do not kill children or the clergy” and “Do not kill children or *usafā*.”<sup>10</sup>

Thus, a number of the Prophet’s Hadiths specifically prohibit the targeting of women, children, the elderly, and ‘*usafā*’. The word ‘*usafā*’ is the plural of the word ‘*asīf*’, which means anyone who has been hired or himself provides services in the battlefield. Furthermore, it has been reported that in one of the battles, the Prophet saw a body of a dead woman and inquired as to the cause of her death. When he came to know that she had been killed by a Muslim commander he dispatched a companion to prohibit him from such acts. Whenever the Prophet dispatched his army he expressly commanded and instructed them to never direct attacks against civilians.

#### **6.7 The Rights of the Combatants:**

1. Torture with Fire In the hadith there is a saying of the Prophet that: "Punishment by fire does not befall anyone except the Master of the Fire" (Abu Dawud). The injunction deduced from this saying is that the adversary should not be burnt alive.
2. Protection of the Wounded "Do not attack a wounded person" said the Prophet. This means that the wounded soldiers who are not fit to fight, nor actually fighting, should not be attacked.
3. The Prisoner of War Should not be Slain "No prisoner should be put to the sword"- a very clear and unequivocal instruction given by the Prophet (S).
4. No one Should be Tied to be Killed "The Prophet has prohibited the killing of anyone who is tied or is in captivity."

#### **7. No Looting and Destruction in the Enemy's Country<sup>11</sup>**

Muslims have also been instructed by the Prophet that if they should enter the enemy's territory, they should not indulge in pillage or plunder nor destroy the residential areas, nor touch the property of anyone except those who are fighting with them. It has been narrated in the hadith: "The Prophet has prohibited the believers from loot and plunder" (al-Bukhari; Abu Dawud). His injunction is: "The loot is no more lawful than the carrion" (Abu Dawud). Abu Bakr al-Siddiq used to instruct the soldiers while sending them to war, "Do not destroy the villages and towns, do not

spoil the cultivated fields and gardens, and do not slaughter the cattle." The booty of war which is acquired from the battleground is altogether different from this. It consists of the wealth, provisions and equipment captured only from the camps and military headquarters of the combatant armies

#### **8. Sanctity of Property**

The Muslims have also been prohibited from taking anything from the general public of a conquered country without paying for it. If in a war the Muslim army occupies an area of the enemy country, and is encamped there, it does not have the right to use the things belonging to the people without their consent. If they need anything, they should purchase it from the local population or should obtain permission from the owners. Abu Bakr al-Siddiq, while instructing the Muslim armies being despatched to the battlefield would go to the extent of saying that Muslim soldiers should not even use the milk of the milch cattle without the permission of their owners.<sup>12</sup>

#### **9. Return of Corpses of the Enemy**

In the Battle of Ahzab a very renowned and redoubtable warrior of the enemy was killed and his body fell down in the trench which the Muslims had dug for the defence of Medina. The unbelievers presented ten thousand dinars to the Prophet and requested that the dead body of their fallen warrior may be handed over to them. The Prophet replied "I do not sell dead bodies. You can take away the corpse of your fallen comrade."

#### **10. Rules About Declaration of War**

It has been laid down in the Holy Quran: "If you apprehend breach of treaty from a people, then openly throw the treaty at their faces" (8:58). In this verse, Muslims have been prohibited from opening hostilities against their enemies without properly declaring war against them, unless of course, the adversary has already started aggression against them. Otherwise the Quran has clearly given the injunction to Muslims that they should intimate to their enemies that no treaty exists between them, and they are at war with them. The present day 'inter-national law' has also laid down that hostilities should not be started without declaration of war, but since it is a man-made rule, they are free to violate it whenever it is convenient.

#### **11. Restrictions on Dhimmis**

Although dhimmis were allowed to perform their religious rituals, they were obliged to do so in a manner not conspicuous to Muslims. Display of non-Muslim religious symbols, such as crosses or icons, was prohibited on buildings and on clothing (unless mandated as part of distinctive clothing). Loud prayers were forbidden, as was the ringing of church bells or the trumpeting of shofars. had the right to choose their own religious leaders: patriarchs for Christians, exilarchs and geonim for Jews. However, the choice of the community was subject to the approval

of the Muslim authorities, who sometimes blocked candidates or took the side of the party that offered the larger bribe. Dhimmi were prohibited from proselytizing on pain of death. Neither were they allowed to obstruct the spread of Islam in any manner. Other restrictions included a prohibition on publishing or sale of non-Muslim religious literature and a ban on teaching the Qur'an. Umar, dhimmi had to bury their dead without loud lamentations and prayers. Incidents of harassment of dhimmi funeral processions by Muslims, involving pelting with stones, battery, spitting, or cursing, even by Muslim children, were common regardless of place and time. According to Islamic law, the permission for dhimmi to retain their places of worship and build new ones depended upon the circumstances in which the land fell under the Muslim rule. Dhimmi communities were subjected to the payment of taxes in favor of Muslims — a requirement that was central to dhimmi as a whole. Sura 9:29 stipulates that jizya be exacted from non-Muslims as a condition required for jihad to cease. Failure to pay the jizya could result in the pledge of protection of a dhimmi's life and property becoming void, with the dhimmi facing the alternatives of conversion, enslavement or death.<sup>13</sup>

Even at times of wars, Islam proves its followers to firmly abide by a number of ethics and principles not to be violated or broken under any reason or circumstance, as follows: -

## **12. Islamic principles of Peace Building**

Effective and lasting peace-building strategies and conflict resolution practices in Muslim communities should be constructed within an Islamic framework. Strategies must acknowledge Qur'anic evidence; other texts and narratives; the fields of jurisprudence, philosophy, and theology; and the essential foundational doctrines, creeds, beliefs and practices of Islam. In addition, specific cultural and socio-historical contexts must be factored in to peacebuilding strategies. Islamic peace-building efforts at all levels reaffirm five basic principles.<sup>14</sup>

All of humanity has a common origin, and human dignity must be recognized and respected, regardless of religion, ethnicity, or tribe.

The diversity among people encapsulates the richness of traditions.

Muslims striving to improve the world must cooperate, collaborate and engage in dialogue with others and among themselves to foster peace.

To be actively involved with one's tradition means not to lead exclusivist, hermetic lives, but to be engaged with others in a respectful manner.

Practicing good deeds and striving toward justice must be present in everyday dealing with all human beings.

Prevention of Aggression Islamic teachings strongly discourage aggression between Muslim nations. The use of force or aggression against fellow Muslim countries without just cause is against Islamic principles. War should be avoided unless it is a matter of self-defense or to protect the rights and freedoms of a nation.

**Resolution through Dialogue and Diplomacy** The emphasis on resolving disputes and conflicts through peaceful means remains paramount. Muslim nations are encouraged to pursue negotiations, mediation, and dialogue to find peaceful resolutions rather than resorting to armed conflict.

**Ethical Conduct during Warfare** In the event of armed conflict between Muslim nations, the same ethical and humanitarian principles apply as in conflicts involving non-Muslims. This includes the protection of civilians, the humane treatment of prisoners of war, and the avoidance of disproportionate or unnecessary harm.<sup>15</sup>

**Mediation and Reconciliation** Islamic teachings encourage seeking third-party mediation and reconciliation efforts to settle disputes between Muslim nations. Resolving conflicts through peaceful means and restoring harmony is seen as an important Islamic principle.

**Respect for International Treaties and Agreements** Upholding agreements, respecting treaties, and adhering to international law principles are encouraged among Muslim nations. Honoring commitments made through treaties and international agreements is considered essential.

**Judicial Resolution of Disputes** Islamic international law also encourages resorting to legal and judicial mechanisms, such as international courts or arbitration, to settle disputes between Muslim majority nations. It's crucial to note that while Islamic international law provides guidance, the political, social, and historical contexts often heavily influence the actions and decisions of nations, including Muslim majority countries. Consequently, the actual application of these principles in times of conflict among Muslim nations can vary significantly. Political interests, power dynamics, and geopolitical factors might override the adherence to ethical principles in some instances.<sup>16</sup>

### **13. Key Findings**

The findings highlight the relevance of Islamic principles in guiding ethical conduct during war, promoting humanitarian values, and fostering opportunities for peacebuilding within Muslim communities.

- Islamic international law, rooted in Shariah or Islamic law, articulates key principles for conducting war or jihad.
- Challenges faced by Muslims in armed conflicts include the imperative to protect civilians, treat prisoners of war humanely, and adhere to ethical conduct in warfare, emphasizing proportionality and necessity. The necessity for a formal declaration of war, its proper authority, and adherence to ethical standards underscores the Islamic approach.
- Humanitarian aid and respect for religious institutions are central, along with the prohibition of environmental harm. Ceasefires and peace treaties are encouraged, reflecting a commitment to reconciliation.

- Opportunities within Islamic international law provides a framework for defensive war(Jihad), self-defense, and the protection of religious beliefs. The emphasis on unity, martyrdom, and the pursuit of peace underscores the broader ethical and moral principles.
- These principles are not in contradiction with Western conflict resolution approaches, offering potential common ground. In conflicts between Muslim-majority nations, Islamic international law advocates for the prevention of aggression, resolution through dialogue, ethical conduct, mediation, and respect for international treaties..
- Principles of Islamic peacebuilding underscore human dignity, cooperation, and the pursuit of justice, providing common ground with Western approaches. The dynamic and evolving nature of conflicts requires nuanced considerations, acknowledging cultural and historical contexts.

#### **14. Conclusion**

In conclusion, the exploration of Islamic international law and its application in times of war provides valuable insights into the ethical, legal, and humanitarian considerations within the Islamic framework. The challenges faced by Muslims in armed conflicts, such as the protection of civilians, ethical conduct in warfare, and the declaration of war, underscore the emphasis on justice and proportionality.

The opportunities outlined in Islamic international law, ranging from defensive war and self-defense to unity, martyrdom, and the pursuit of peace, reflect a nuanced approach that aligns with broader ethical and moral principles. These principles, while rooted in Islamic teachings, demonstrate a compatibility with Western conflict resolution approaches, offering potential common ground for collaboration.

The contemporary relevance of these principles is evident in conflicts involving Islamic countries like Syria, Yemen, and Afghanistan, emphasizing the need for effective peacebuilding strategies within Muslim communities. The principles of Islamic peacebuilding, anchored in human dignity, cooperation, and justice, provide a foundation for fostering reconciliation and addressing the complexities of conflicts.

It is crucial to recognize that the interpretation and application of these principles may vary among different scholars, contexts, and historical circumstances. Nonetheless, the overarching message is one that promotes humanitarian values, the protection of human rights, and the pursuit of peace even in the midst of conflicts. This study reinforces the importance of understanding and incorporating Islamic principles into broader discussions on international law, conflict resolution, and peace building.

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