

## **The Nature and Principles of the Islamic Approach to International Humanitarian Law**

**document type:** Research Article

**Mohammad sadiq Rahimi\***

Received: 2024/10/16

**Mohammad mahdi Ehsantalab\*\***

Accepted: 2025/01/08

**Abuzar Gohari Moqaddam\*\*\***

### **Abstract**

Humanitarian law—along with human rights law—is one of the concepts in international relations that, in recent decades, has received increasing attention in both theoretical literature and practical implementation. Various viewpoints and intellectual traditions have each attempted in their own way to interpret and define the principles and rules of humanitarian law from their respective perspectives, yet it appears that none has completely succeeded in doing so. This study endeavors to examine the Islamic approaches to international humanitarian law so that ultimately the fundamental nature, principles, and common rules of international humanitarian law may be extracted from an Islamic perspective.

Accordingly, this research utilizes documentary methods and library resources and, from the viewpoint of Islamic jurisprudence, attempts to understand the nature and principles of Islamic humanitarian law. Moreover, based on the analyses performed and by comparing Western international law with Islamic humanitarian law, it appears that international humanitarian law viewed from an Islamic framework possesses greater universality—not only covering all dimensions of the subject but also providing criteria that are more in line with justice and fairness in the laws of war and international conflicts.

### **Keywords:**

Islamic approach; humanitarian law; law of war; international system.

---

\* M.A Student, Faculty of Islamic Studies and Management, Imam Sadiq University, Iran  
(Corresponding Author) msrahimi.ir@gmail.com

\*\* M.A Student, Faculty of Islamic Studies and Management, Imam Sadiq University,  
Iran m.ehsantalab@isu.ic.ir

\*\* Associate Professor, Faculty of Islamic Studies and Management, Imam Sadiq University,  
Iran gohari@isu.ac.ir

## Introduction

**Problem Statement:** Humanitarian law and its adjuncts have, over the past decades, been subjects accepted by various countries and intellectual traditions. Continuous efforts have been undertaken to uncover greater commonalities in this field so that we might ultimately approach standards of justice and fairness—even in matters such as war. Among the most important issues raised within international humanitarian law so far are just war theories, the rights of prisoners, the rights of non-combatants such as women and children, and the rights of vulnerable persons. Other issues—such as how wars commence, the strategies for preventing war, and the available solutions for ending international conflicts—have also always been at the forefront of this field. In other words, international humanitarian law seeks to address human rights issues before, during, and after warfare so that it can ultimately help preserve human rights even under abnormal and hostile conditions. In recent years, the examination of indices and principles of humanitarian law from the perspectives of different religions and sects has received even more attention. Given the studies conducted, it can be said that the nature and principles of humanitarian law from an Islamic perspective are exceedingly rich and substantive. This richness demonstrates that there is a sufficient capacity for generating literature on Islamic humanitarian law and—compared to other schools and religions—offers a broader and more comprehensive basis for presenting appropriate approaches and rules regarding the laws of war and conflict. In this study, it is argued that while reviewing the available literature in the field of international humanitarian law from the perspective of international law and its various schools of thought, the fundamental nature and principles of international humanitarian law are outlined from an Islamic viewpoint, and ultimately the most important rules of the Islamic approach to international humanitarian law are presented. It appears that if the Islamic rules and principles regarding international humanitarian law were given greater attention and if these principles and rules were more clearly indexed, we might witness profound transformations in the practical implementation of international humanitarian law.

**Research Questions:** This study seeks to answer the following principal question:

What is the fundamental nature of the foundations and core principles of Islamic international humanitarian law?

In answering this main question, two subsidiary questions are also examined:

1. What is the historical background and nature of international humanitarian law within the framework of international law?
2. What characterizes the Islamic approach to international humanitarian law?

**Objective:** Outlining the lines and principles of international humanitarian law from an Islamic perspective can serve as a practical guide for the diplomatic and foreign policy apparatus of the Islamic Republic of Iran. Such a framework enables the country to present an accurate and appropriate perspective on human rights issues in the international arena, to raise claims in international forums based on Islamic principles and rules, and, by leveraging this capacity, to present the Islamic rules and principles of international humanitarian law on a global stage—thereby further enhancing the influence of the clear religion of Islam.

**Importance and Necessity:** Understanding the principles and rules of Islamic humanitarian law can greatly facilitate providing operational solutions in the area of protecting humanitarian rights and the laws of war for the Islamic Republic of Iran. It also offers the possibility of creating regional and global consensus among Muslims. Conversely, the lack of attention to Islamic approaches in topics of international law—such as international humanitarian law—has consistently led to accusations against the Islamic Republic of Iran regarding non-compliance with human rights and humanitarian rights. Even friendly and neighboring countries, including Islamic ones, have frequently viewed Iran with suspicion regarding its adherence to justice and fairness, which ultimately prevents the universal principles of the clear religion of Islam from evolving into binding norms in the international arena.

**Method:** This research employs documentary research and library research methods—non-experimental and non-empirical approaches—in which the researcher utilizes existing sources (whether printed or digital) to answer the research questions without collecting primary data. This method is particularly common in the humanities, law, history, and international studies. It consists of collecting, studying, and analyzing available resources (such as books, articles, reports, historical documents, laws, archives, and other written materials) that are related to the subject of study. In this method, the researcher seeks to discover facts, patterns, and relationships among data through the analysis of documents and available sources. In this study, the documentary method and the analysis of library data and electronic documents have been used. The use of available data is common in all branches of the social sciences, including political science. The data employed here include secondary data—i.e., data that researchers from

research institutions or statistical organizations have previously compiled, which are accessible in the form of books, articles, or reports from statistical centers—and various types of documents (written, audio, visual, and electronic) that remain as the residual impacts of human actions. (Some researchers do not make a distinction between the two types; here, the data are considered secondary data) (Seyed Amami, 1386: p. 207).

**Literature Review and Background:** Studies have shown that, unfortunately, less attention has been paid to the Islamic approach in the field of humanitarian law studies, and in the field of the relationship between religion and the concepts of the international system, we have also witnessed less research on the effects of religion on international relations. Therefore, no research has been conducted so far on the common principles of Islamic approaches to international humanitarian law. In the following, we have briefly reviewed closer and more relevant research. Principles of Humanitarian Law in Islam with a Look at International Law – written by Abdul Hakim Salimi, who has examined the principles of humanitarian law from the perspective of Islam and compared it with international law. This article refers to the divine origin of these principles and their differences with international humanitarian law. Islamic Theory of Humanitarian Law and International Peace with Emphasis on the Inherent Dignity and Value of Man – written by Majid Abbasi (Ashlaqi), who has addressed the differences between Islamic and Western theories of humanitarian law and has examined the impact of this theory on international peace. International Humanitarian Law, Islamic Approach – A book by Seyyed Mustafa Mohaqeq Damad, published by the Islamic Sciences Publishing Center. This book consists of five chapters that examine the historical background, the position of humanitarian law in Islam, its comparison with contemporary international law, the Islamic concept of humanitarian law, and compliance with international humanitarian law.

In order to achieve the concern of the present research, first a review of the existing literature on international humanitarian law in public international law has been conducted, and then Islamic points and considerations in the field of humanitarian law have been examined. Finally, in the final section, an attempt has been made to achieve the basic and key rules of international humanitarian law from the perspective of Islam by applying the principles of humanitarian law in public international law and Islamic approaches and considerations in humanitarian law. In the meantime, a brief look has also been taken at the considerations and rules proposed for humanitarian law from the perspective of other schools of international relations and other religions and sects.

## **1. Historical Background and Nature of International Humanitarian Law in International Law**

International humanitarian law—which is also known as the law of armed conflict or the law of war—is a specialized branch of international law that regulates conduct during warfare and seeks to limit its adverse effects. This legal system is based on the fundamental principle of humanity and is designed to protect those who are not participating in hostilities, including civilians, the wounded, prisoners of war, and medical personnel (Burley et al., 1993). It also imposes limitations on military methods and armaments to prevent unnecessary suffering and destruction.

Humanitarian law has evolved from ancient traditions, religious teachings, and modern humanitarian efforts, and today it is codified in international treaties and customary international law. Civilizations such as ancient Greece and Rome had laws to protect prisoners and non-combatants. In Islam, too, there were principles aimed at preventing the slaughter of non-combatants, the prohibition of destroying religious sites, and guidelines for the humane treatment of prisoners of war. In medieval and modern times, thinkers like Hugo Grotius systematized the foundations of the laws of war (Abbasi, 1395). In the nineteenth century, following his observations of the Battle of Solferino, Henry Dunant proposed the establishment of relief organizations and the drafting of international legal rules, which led to the founding of the Red Cross and the adoption of the Geneva Conventions. The Petersburg Declaration was the first treaty to prohibit certain inhumane weapons. The development of humanitarian law continued with the Hague Conventions of 1899 and 1907, which focused on the prohibition of inhumane weaponry, the separation of military targets from non-combatants, and the regulation of military occupation (Habib Nezhad et al., 2017). However, the most significant legal advancement came after the atrocities of World War II; in 1949, four Geneva Conventions were adopted that comprehensively protected wounded soldiers both on land and at sea, prisoners of war, and civilians in conflict situations—especially in occupied territories. The Additional Protocols of 1977 and 2005 later broadened the scope of protection and adapted the rules to new forms of warfare, including internal conflicts and guerrilla warfare. In addition, other international treaties such as the Convention on Chemical Weapons and the Ottawa Treaty have been adopted (Mostafa et al., 2024).

International humanitarian law is founded on principles such as the distinction between combatants and non-combatants, the limited use of violence, the prohibition of harmful weapons, and humane conduct during

war. It is applicable only during armed conflict and does not legitimize war itself; rather, it focuses solely on the behavior of the parties involved. These rules are binding on all parties regardless of which side initiated the conflict. In international humanitarian law, a distinction is made between two types of conflicts: international armed conflicts (between states) and non-international armed conflicts (between a state and non-state armed groups or conflicts among such groups). Although treaty law is more developed for international conflicts, customary and general principles also apply to internal conflicts. The main principles of humanitarian law include distinction, proportionality, necessity, humanity, and non-discrimination (Ticktin, 2014). The principle of distinction requires differentiating between military targets and non-combatants so that only military objectives are targeted. The proportionality principle prohibits attacks with civilian casualties that are excessive in relation to the anticipated military advantage. The principle of necessity permits the use of force only when legitimate military objectives must be achieved. The principle of humanity forbids unnecessary suffering, and the principle of non-discrimination ensures that all individuals receive equal protection regardless of race, religion, nationality, or political opinion. The sources of humanitarian law include treaties (especially the Geneva and Hague Conventions), customary international law, and generally recognized principles by the international community. States are obliged to incorporate these rights into their domestic laws, military training, and policymaking. The International Committee of the Red Cross plays a vital role in promoting these rules, providing humanitarian assistance, and monitoring their enforcement. Mechanisms for enforcing these rights include state accountability, individual criminal responsibility through international tribunals (such as the International Criminal Court and special tribunals), and national courts with universal jurisdiction. Severe breaches—such as murder, torture, or attacks on non-combatants—are prosecutable as war crimes (Ghasemi, 2024). Despite these efforts, challenges such as the concentration on wars between states and the failure to address the atrocities of World War I have necessitated further development of these rules (Menkel-Meadow, 2011). Following World War II and the widespread crimes against non-combatants, the 1949 Geneva Conventions were adopted, covering four main areas: protection of wounded soldiers on the battlefield, the wounded and shipwrecked at sea, the treatment of prisoners of war, and the protection of civilians during conflict. These conventions laid the foundation for modern humanitarian law, and to date, all countries have acceded to them. Moreover, the concept of war crimes has been developed, allowing for the legal prosecution of those who

violate these rules. In 1977, two Additional Protocols to the Geneva Conventions were introduced (Grillo, 2004). The first protocol expanded the protection of victims of international armed conflicts and set rules for safeguarding civilian infrastructures; the second protocol was the first binding document regarding internal conflicts, prohibiting collective punishments, hostage-taking, and sexual violence. These measures were introduced in response to the rise in internal conflicts and wars of liberation, although implementation of the protocols still faces challenges. Subsequent developments following 1977 include the establishment of the International Criminal Court in 2002 for prosecuting war crimes, the adoption of treaties banning anti-personnel mines and cluster munitions, and emerging challenges such as cyber warfare and autonomous weaponry (Wessel, 2011). These shifts indicate that international humanitarian law must be continuously updated to confront emerging threats. Despite its shortcomings, the Geneva Conventions and their Additional Protocols remain the most important legal frameworks for safeguarding human dignity during times of war (Salimi, 1397). Notable examples of the successful implementation of these rules include the prosecution of war criminals in the former Yugoslavia and the monitoring by the International Red Cross of the conditions of prisoners of war. Yet, widespread violations of humanitarian law in modern conflicts—such as those in Syria and Gaza—demonstrate the need for stronger enforcement measures. Even in the darkest moments of history, international humanitarian law has served as a shield for preserving human values.

Despite its strong legal framework, humanitarian law faces serious contemporary challenges. Many modern conflicts are waged by non-state armed groups that may not adhere to these rules. Asymmetric warfare—in which one side employs guerrilla tactics or hides among civilians—makes the application of the principles of distinction and proportionality difficult. Urban warfare increases the risk of civilian casualties and the destruction of infrastructure, while new technologies such as drones, cyber warfare, and automated weapons raise complex questions regarding responsibility and compliance with humanitarian law (Shiri et al., 2024). International humanitarian law remains the moral and legal standard for reducing the violence of war and preserving human dignity under the most difficult conditions, but its practical effectiveness depends on the commitment and adherence of the parties involved.

## 2. The Islamic Approach to International Humanitarian Law

Humanitarian law in Islam is based on principles and sources that originate in sacred texts and Islamic jurisprudence. Especially in critical conditions such as war, this law seeks to preserve human dignity, alleviate human suffering, and uphold fairness—even toward one's enemies. The Holy Quran, as the primary source of Islamic law, contains more than fifty verses related to humanitarian law, including prohibitions against killing non-combatants, mandates for justice during warfare, and the protection of prisoners and those in need (Khaleghi, 1399). The prophetic tradition also provides clear directives for protecting the rights of non-combatants. Such directives include the prohibition against killing women, children, and the elderly, as well as the prohibition of environmental destruction.

Throughout history, Muslim jurists have agreed on principles such as the inviolability of pacts with the enemy and the obligation to care for the wounded in combat. Juristic rules further underpin humanitarian law—for example, the maxim "*lā ḍarar wa-lā ḍirār*" ("No harm shall be inflicted, nor reciprocated"), which forbids any unnecessary harm, and "*al-ḍarūrāt tubīḥ al-maḥzūrāt*" ("Necessities permit the prohibited"), which allows for flexibility in emergency situations. The key principles of humanitarian law in Islam include the inherent dignity of the human being, fairness in warfare, the clear distinction between combatants and non-combatants, and humane treatment of prisoners (Qāedān et al., 1393). The Quran regards human dignity as intrinsic, which serves as the basis for prohibiting torture, humiliation, and any form of inhumane treatment. War is permitted only for legitimate defense, and even in warfare, fairness must prevail. The Prophet Muhammad (peace be upon him) is the exemplar of universal mercy, as exemplified by historical events such as the pardon of prisoners after the Battle of Badr and his command to provide for them. From its inception, Islam forbade targeting non-combatants such as farmers and religious figures and advised toward the release of prisoners or their humane treatment (Jafari et al., 1396). Islamic humanitarian law not only aligns with international humanitarian standards but in some respects—such as its emphasis on mercy and justice that go beyond minimal requirements—provides a more advanced framework.

Islamic humanitarian law offers detailed guidelines for pre-war, during-war, and post-war phases, setting forth an ethical and legal framework for managing armed conflicts. These rules, which are grounded in Islamic sources (the Quran, the prophetic tradition, consensus, and sound reason), often overlap with the provisions of international humanitarian law. Before war, Islam emphasizes the necessity of declaring war clearly so that



the opposing party has an opportunity to prepare or pursue peace. The Quran explicitly states in one verse that if the enemy shows willingness for peace, it should be accepted. Moreover, Islam invites the adversary to accept peace, and war is sanctioned only in cases of legitimate defense, resistance against oppression, or violation of covenants. During warfare, the protection of non-combatants is a fundamental principle. The prohibition of targeting women, children, the elderly, and other non-participants is clearly enunciated in the prophetic traditions (Norouzi, 2023). Likewise, clerics, farmers, and merchants are to be shielded from harm. The destruction of religious structures and vital infrastructures—such as hospitals and schools—is forbidden. The treatment of prisoners must be humane, and the Quran instructs that captives be given food and treated kindly. The release of prisoners can be conditioned on the payment of fidya (a ransom) or may be granted freely; torture and mutilation are strictly prohibited. Environmental protection is also a key concern: deforestation, water contamination, and the use of indiscriminate weapons (e.g., widespread toxins) are not permissible. After the conflict, Islam stresses the importance of ending hostilities following victory and does not force the defeated to accept Islam. Protecting the rights of survivors and rebuilding damaged areas are additional principles of Islamic humanitarian law (Faqih Habibi, 1395). A comparison between these rules and international humanitarian law shows that while Islam places a strong emphasis on the prohibition against killing non-combatants and mandates humane treatment of prisoners, it also tends to advocate—for instance, by urging pre-war peace negotiations and emphasizing mercy and justice—standards that exceed the minimum requirements of international law.

In Islamic history, supervisory institutions played a critical role in ensuring justice, safeguarding people's rights, and monitoring the conduct of military forces. These institutions included the Hisba system, battlefield judges, and the Diwan of grievances—each with specific responsibilities in overseeing military conduct and addressing public complaints. The Hisba system was one of the most important supervisory institutions in Islamic societies, responsible for ensuring the enforcement of Sharia rules—including those governing warfare. The muhtasib, who headed this institution, was tasked with monitoring the behavior of military forces and preventing abuses such as looting, mistreatment of non-combatants, and breaches of ethical standards (Alikhani, 1388). In addition, the system handled complaints from civilians regarding the conduct of military personnel. This institution played a major role in the Abbasid Caliphate in regulating military behavior and ensuring compliance with Islamic

principles. Battlefield judges were designated in certain conflicts to adjudicate military violations. Their duty was to deliver judgments in cases of violations—such as the massacre of non-combatants, the torture of prisoners, or breaches of peace agreements (Zobdeh et al., 1402). A notable example is Qadi Sharih in the Battle of Siffin, who was appointed as a special judge to resolve legal issues arising from warfare. The Diwan of grievances was another essential supervisory body in Islamic history, entrusted with addressing abuses committed by military commanders and governmental officials. This institution allowed people to lodge complaints in cases of oppression or abuse of power by military forces. The caliph or a judge appointed by him was responsible for investigating and resolving these complaints. In the Abbasid Caliphate, the Diwan of grievances played a key role in ensuring justice and controlling military actions, giving citizens the opportunity to protest against misconduct. The existence of such institutions clearly reflects the value placed on justice and the observance of ethical principles in Islamic warfare.

While Islamic humanitarian law and international humanitarian law share many common principles, there are instances where Islam imposes stricter standards or adopts different approaches. In the case of torture, for example, Islam enforces an absolute prohibition under all conditions—even extending this ban to include the mistreatment of animals—whereas international law, despite the 1984 Convention against Torture, has witnessed violations of this principle in some states. Concerning the use of child soldiers, Islam unequivocally rejects employing children in warfare by defining the legal age for jihad as the attainment of Islamic maturity, while international law—under the Optional Protocol (2000)—limits the recruitment of those under 18 without an outright prohibition (Khani, 1385). Environmental protection has been a priority in Islam from its inception, with nature's destruction, deforestation, water pollution, and the burning of lands being forbidden even during war. In contrast, international law began addressing such issues following disasters like Agent Orange in Vietnam, through instruments such as the 1977 Additional Protocol to the Geneva Conventions and the 1976 Convention. Regarding peace, Islam mandates the acceptance of peace offers and even requires Muslims to consider an enemy's proposal for peace (Krafess, 2005). Breach of peace is deemed acceptable only when the adversary is untrustworthy, whereas international law defers the decision on peace largely to state sovereignty and grants the United Nations the authority to intervene only when global peace is at stake.

### **3. Fundamental Bases and Principles of Islamic International Humanitarian Law**

Islamic humanitarian law is founded on distinct principles and fundamentals that set it apart from other legal systems. Rooted in Islamic texts, this legal framework seeks to regulate military conduct and humanize warfare. Its theoretical basis can be examined in two domains: religious foundations and philosophical foundations (Karbasi et al., 1398). Emphasizing justice, human dignity, and ethical conduct, this system offers a comprehensive framework for governing behavior during armed conflicts.

The religious foundations of Islamic humanitarian law comprise the Holy Quran, the prophetic tradition, the practices of the Rightly Guided Caliphs, and the consensus of jurists. The Quran, as the primary source, presents numerous verses advocating for humanitarian rights. For instance, verse 190 of Surah Al-Baqarah underscores the prohibition of transgression in warfare; verse 8 of Surah Al-Insan refers to the humane treatment of prisoners; and verse 33 of Surah Al-Isra forbids illegitimate killing. These verses highlight Islam's insistence on justice even in war, the integration of legal and ethical considerations, and its regard for even the enemy's rights. The prophetic tradition similarly provides practical instructions from the Prophet (peace be upon him) regarding the prohibition of killing non-combatants, the forbidden destruction of nature, and the recommended humane treatment of prisoners. Historical examples, such as the Constitution of Medina—considered the first human rights charter—and the Prophet's exemplary treatment of prisoners after the Battle of Badr, demonstrate the practical application of these humanitarian principles. In addition, the practices of the Rightly Guided Caliphs emphasized the protection of non-combatants—Umar ibn al-Khattab, for example, issued orders proscribing the mistreatment of dhimmis and the destruction of religious sites, and Imam Ali (peace be upon him) stressed ethical conduct in warfare while condemning looting (Sharqieh, 2012). The consensus among jurists further reinforces principles such as the prohibition of killing women and children, the obligation of humane treatment for prisoners, and the absolute ban on torture.

The philosophical foundations of Islamic humanitarian law consist of the inherent dignity of human beings, a justice-centered approach, universal mercy, and prudence. The intrinsic dignity of the human being—as emphasized in verse 70 of Surah Al-Isra—is closely linked to natural rights and, in the context of war, translates into a prohibition on degrading the enemy, protecting non-combatants, and upholding human honor. A justice-

centered approach in warfare means ensuring proportionality in response, fairness in actions, and moderation in conduct; these principles are applied in target selection, the use of armaments, and the treatment of prisoners. Universal mercy in Islam encompasses compassion not only for one's friends but also for one's foes and nature itself—this is manifested in acts such as pardoning prisoners, aiding wounded adversaries, and preserving the environment. Islamic humanitarian law is thus built on fundamental principles that play a decisive role in regulating conduct during armed conflicts. The principle of distinguishing between combatants and non-combatants is one of the most critical and is based on Islamic prescriptions—such as verse 190 of Surah Al-Baqarah and authentic Prophetic sayings—which underscore the prohibition against attacking non-combatants. Protected groups include women, children, the elderly, farmers, merchants, and even clerics of other religions. For example, the Prophet (peace be upon him) in the Battle of Khaybar forbade the killing of women and children unless they were directly engaged in combat. Likewise, the mandate for humane treatment of prisoners is a pillar of Islamic humanitarian law; the Quran in verse 8 of Surah Al-Insan emphasizes the provision of food and kind treatment for captives (Moqaddasi, 1403). Practical applications of this principle include ensuring that prisoners receive basic necessities—food, water, clothing, and medical care—while strictly prohibiting physical or psychological torture and preserving their dignity. Methods for releasing prisoners include payment of fidya (a ransom), unconditional release, or prisoner exchange. Historical examples, such as the behavior of the Prophet (peace be upon him) after the Battle of Badr and the practice of Imam Ali (peace be upon him) during the Battle of Jamal, testify to these principles in action. The principle of environmental preservation holds a special place in Islamic humanitarian law. The Prophetic injunction, “Do not cut down a fruit-bearing tree,” coupled with the juristic maxim “lā ḍarar wa-lā ḍirār” (“No harm, nor the reciprocation of harm”), underscore the prohibition against ecological destruction. This principle prohibits, for instance, the felling of fruit trees, the contamination of water, and the burning of lands—except in cases of absolute military necessity. Similarly, the principle of limiting weapons and methods of warfare stresses the prohibition on employing indiscriminate weapons. Such weaponry—which includes chemical and biological arms, nuclear devices, and landmines—renders the discrimination between combatants and non-combatants impossible. Moreover, the Prophet (peace be upon him) forbade the mutilation of bodies and restricted the use of fire as a weapon during war (Rahmani-Tirkalai, 1401).

## **Conclusion**

The analyses conducted indicate that in Islamic approaches to international humanitarian law there is an enhanced commitment to justice and fairness regarding human rights issues—a fact that underscores the universal and all-encompassing nature of the clear religion of Islam throughout the world. Furthermore, the research findings suggest that considerable attention has been paid within Islamic legal rules to humanitarian issues, as evidenced by the extensive and detailed considerations concerning international humanitarian law. Therefore, based on these rules, it is possible to delineate the fundamental lines and principles of Islamic humanitarian law. It is also recommended that a richer theoretical literature on international humanitarian law from an Islamic perspective be produced to facilitate dialogue and cooperation with other Islamic countries. With such an infrastructure in place, the capacity of Islamic countries to reach consensus on the foundations and human rights rules of Islam in international legal cases will be enhanced. In this respect, conducting comparative research among various Islamic schools and sects would contribute greatly to the theoretical enrichment of this subject and ultimately facilitate the sharing of common principles—leading to the practical implementation of Islamic humanitarian law in regional and international arenas. It is hoped that the principles and foundations extracted in this research will enable scholars of humanitarian law to make productive use of the theoretical content in further studies, and that the diplomatic apparatus of the Islamic Republic of Iran will, by adopting these comprehensive rules, work toward their practical implementation and build consensus among both experts and the public in Islamic countries so that Islamic approaches to international law receive even greater global attention.

## References

- Abbasi, Majid (1395). The Islamic Theory of Humanitarian Law and International Peace with Emphasis on Human Dignity and the Value of the Human Being. *Islamic Political Studies*, (4)10, 37–11.
- Alikhani, Ali-Akbar (1388). Humanitarian Law in Islam.\* *Human Rights Journal*, (1)4, 18–3.
- Burley, Anne-Marie & Mattli, Walter (1993). “European before the Court: A Political Theory of Legal Integration.” *International Organization*, Vol. 47(1), pp. 41–764.
- Faqih Habibi, Ali (1395). The Position of Humanitarian Law in Islam and International Documents. *Journal of Political Studies of the Islamic World*, (2)6, 103–81.
- Ghasemi, Gholamali (2023). “National Implementation of International Humanitarian Law; A Case Study of the Islamic Republic of Iran as an Islamic-Pattern State.” *Journal of the Socio-Political Thought of Islam*, 4(1), 5–21. DOI: [10.22034/jspt.2024.460500.1046]
- Grillo, Ralph (2004). “Islam and Transnationalism.” *Journal of Ethics and Migration Studies*, Vol. 30, No. 5, pp. 861–878.
- Habibnezhad, S. A. & Taskhiri, M. S. (2017). “Common Legislation in Islamic Countries on Humanitarian Law.” *Comparative Studies on Islamic and Western Law*, 3(4), 29–48. DOI: [10.22091/csiw.2018.1664.1141]
- Jafari, Seyed Asghar (1396). Principles of Humanitarian Law from the Perspective of Imam Khomeini (RA). *Public Law Studies Journal*, (2)47, 458–433.
- Karbasi, Mansour; Mansouri, Saeed; & Gahramani-Nejad Shayeg, Baha al-Din (1398). A Comparative Study of the Fundamental Principles of Humanitarian Law in the Military Conduct of the Great Prophet (PBUH) and in the Contemporary World (21st Century). *Military Management Journal*, (3)19, 167–141.
- Khaleghi, Abolfath & Natiqi, Mehdi (1399). Examining Humanitarian Law from the Perspective of Imam Ali (AS). *Nahj al-Balagha Research Journal*, (8)29, 39–23.
- Khani, Mohammad Hassan (1385). A Comparative Study of the Foundations of Humanitarian Law in Islam and Christianity. *Political Science Bimonthly*, (2)4, 118–103.
- Krafess, Jamal (2005). “The Influence of the Muslim Religion in Humanitarian Aid.” *International Review of the Red Cross*, Vol. 87, No. 858 (June 2005), pp. 327–342.
- Menkel-Meadow, Carrie (2011). “Why and How to Study Transnational Law.” *UC Irvine Law Review*, Vol. 1(1), pp. 97–129.

- Mohammadrezaei, Alireza; Moradi, Maryam; & Asgar Khani, AbouMohammad (1399). The Approach of Human Rights and Humanitarian Law for the Protection of Non-Combatants in International Armed Conflicts and its Sociological Explanation. *Political Sociology of Iran Journal*, (1)9, 290–276.
- Moqaddasi, Ali Akbar (1403). The Legitimacy of Humanitarian Military Interventions from the Perspective of International Law and Islam. *Proceedings of the Management and Humanities International Research Conference in Iran, Collection of Papers from the 16th International Research Conference on Management and Humanities in Iran*.
- Mosaffa, Nasrin & Ranjbar, Reza (2024). "Human Rights and the Duty to Provide Humanitarian Aid from the Perspective of Islamic Jurisprudence." *The Public Law Studies Quarterly*, 54(1), 139–158. DOI: [10.22059/JPLSQ.2023.361446.3342]
- Norouzi, Meisam & Abolghasemi, Sanaz (2023). "Morality and Human Dignity as the Common Principles of Islamic Humanitarian Law and International Criminal Law." *Journal of International Criminal Law*, 4(1), 57–69.
- Qāedān, Asghar; Sharifi Tarazkuhi, Hossein; & Bagheri, Somayeh (1393). The Rules of War in the Thought of Shia Jurists and their Comparison with the Humanitarian Law Regulations in the Modern Era. *Journal of Islamic Jurisprudence and Fundamentals*, (2)47, 302–277.
- Rahmani-Tirkalai, Hossein (1401). A Comparative Study of the Ethical Foundations Governing Islamic and Western Human Rights. *Islamic Human Rights Studies*, (1)11, 133–115.
- Salimi, Abdolhakim (1397). The Principles of Humanitarian Law in Islam with a View to International Law. *Journal of Applied Islamic Humanities Sciences*, Issue 6, 135–113.
- Seyed Amami, Kavous (1386). *Research in Political Science*. Tehran: Imam Sadiq University.
- Sharqieh, Ibrahim (2012). "Can the Organization of Islamic Cooperation (OIC) Resolve Conflicts?" *Peace and Conflict Studies*, Vol. 19, No. 2, pp. 162–179.
- Shiri, M., Rostamzad, H. & Salimi, S. (2024). "The Mutual Influence of International Humanitarian Law and Human Rights with an Emphasis on the Jurisprudence of International Criminal Tribunals." *Criminal Law Research*, 15(1), 117–132. DOI: [10.22124/jol.2023.24014.2373]
- Ticktin, Miriam (2014). "Transnational Humanitarianism." *Annual Review of Anthropology*, Vol. 43, pp. 273–289.
- Wessel, Ramses A. (2011). "Informal International Law-Making as a New Form of World Legislation." *International Organizations Law Review*, Vol. 8, pp. 253–265.

Zobdeh, Mahd & Haghighatpour, Hossein (1402). A Comparative Study on the Protection of Non-Combatants and its Decline in the Humanitarian Law Systems of Islam and International Law. *Islamic Human Rights Studies Journal*, (3)12, 28–27.