

Laws of War and the Protection of Children, Women, the Elderly, and the Environment: A Comparative Study between Islamic Justice and Western International Law

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ABSTRACT

Warfare, although inherently destructive, is still governed by moral and legal constraints in both Islamic and Western traditions. The Islamic law of war, grounded on the Qur'an, Sunnah, and the conduct of the righteous caliphs, establishes strict guidelines regarding non-combatants, natural resources, and ethical conduct during war. Similarly, modern International Humanitarian Law (IHL), particularly through the Geneva Conventions, sets rules to protect civilians and the environment. This paper offers a comparative analysis of these frameworks, focusing on the rights and protections afforded to children, women, the elderly, and natural resources such as trees and crops.

Introduction

The regulation of war is a hallmark of civilized societies. Although war signifies a breakdown of peace, ethical systems—both religious and secular—strive to mitigate its harm. Islam, over 1400 years ago, established humanitarian norms during conflict, long before the codification of such standards under modern international law. This research examines how both systems approach wartime ethics, with a special emphasis on vulnerable groups and the environment.

Islamic Perspective on War Ethics (Adab al-Harb)

Understanding Adab – Adab has a meaning of politeness, friendliness, and delicacy of character. Adab is closely related to morals or commendable behavior. Most linguists also mention that adab is intelligence and accuracy in managing everything. Likewise, some other scholars also argue that adab is a word or utterance that collects all good things in it. Adab is a norm or rule regarding manners based on religious rules. Norms about adab are often used in interactions that occur between people, between neighbors, and between peoples.

The term civilized person actually means that person knows the rules regarding

manners or manners determined in Islam. But over time, the words civilized and uncivilized are associated with aspects of decency in general and are not specifically combined in Islam.

Adab is significant in human life. People who have adab will usually be protected from despicable acts. So do not be surprised if adab is very important. Manners certainly need to be taught from childhood. Children who have been given lessons about manners will grow to be better individuals than their peers.

Understanding Adab According to Experts

Al-Jurjani

The first opinion from Al-Jurjani adab is a process to acquire knowledge learned to prevent students from making mistakes or other forms of mistakes that are made later.

Ibrahim Anis

Ibrahim Anis gave the opinion that adab is a science in which the object discusses values related to human actions.

Soegarda Poerbakawatja

Soegarda Poerbakawatja also conveyed that adab is manners, character, and decency, namely good behavior which is the result of the right attitude of the soul towards its creator and towards fellow human beings.

Hamza Ya'qub

According to Hamza Ya'qub, adab is a science that determines the boundaries between good and bad, between praiseworthy and reprehensible, about the words or actions of human beings physically and mentally.

Science that provides understanding of good and bad, science that teaches human relations and states their ultimate goal of all their endeavors and work.

Ibn Miskawaih

Adab is a condition that is inherent in the human soul, which acts easily, without going through a process of thought or consideration in daily activities.

Parents should serve as role models by teaching good morals to their children. Provide an example of proper behavior, avoiding selfishness, and helping others, including how to be a good Muslim and Muslim woman based on the guidance of the Prophet Muhammad. Teaching adab to children definitely has several important functions, such as:

Become a human or a Muslim with good character

Make intercession in the hereafter

Making adab the best legacy

Parents get great rewards

Rewards provide a living to children

Adab al harb refers to the behavior and treatment of people and animals, as well as other living beings, during war.

General Principles

Islam permits war only under strict conditions—primarily for self-defense, to end oppression, or to establish justice. The Qur'an states:

"Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors."¹

The Prophet Muhammad ﷺ and his successors issued detailed commands regarding conduct in battle.

Protection of Children

Children are classified as non-combatants and must never be harmed:

"The Prophet ﷺ found a woman killed in battle and disapproved of the killing of women and children."²

Protection of Women

Women were explicitly shielded from violence. Caliph Abu Bakr instructed his armies:

"Do not kill a woman, a child, or an old man."³

Sexual violence, enslavement, and harassment were strictly prohibited.

Protection of the Elderly and Disabled

The elderly, the sick, monks, and other non-combatants were granted immunity from harm. Killing them was forbidden, even in retaliation.

Environmental Protection

Islamic teachings emphasize profound concern for nature during conflict. Abu Bakr's command is often cited:

"Do not cut down fruit-bearing trees, nor destroy inhabited areas."⁴

Water sources were to remain unpolluted, trees untouched, and animals protected from harm.

International Humanitarian Law (IHL) and the Geneva Conventions

Overview

Modern international law began codifying rules of warfare in the 19th century, culminating in the Geneva Conventions of 1949 and their Additional Protocols.

Protection of Children

The Fourth Geneva Convention and the Optional Protocol on the Involvement of Children in Armed Conflict (2000) prohibit the recruitment of child soldiers and mandate special care for children in conflict zones.⁵

Protection of Women

Rape, sexual slavery, and gender-based violence are classified as war crimes under the Rome Statute (Articles 7 and 8).⁶ IHL mandates humane treatment, respect, and protection of women.

Protection of the Elderly

Elderly and disabled persons are protected as civilians. Article 16 of the Geneva Convention IV obligates warring parties to care for the wounded, sick, and infirm.⁷

Protection of Environment and Natural Resources

Under Protocol I (1977), Articles 35 and 55, environmental destruction is prohibited. The ENMOD Convention (1976) bans the use of environmental modification techniques in warfare.⁸

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Comparative Analysis

Aspect	Islamic Law	International Law (IHL)
Children	Complete protection; harming children is prohibited	Protection from recruitment and attack; humanitarian aid required
Women	Killing or harming women is prohibited; modesty and dignity are emphasized	Protection from violence; sexual crimes classified as war crimes
Elderly	Cannot be targeted unless directly participating in combat	Must be cared for and protected as civilians
Environment	Cutting trees, burning crops, and contaminating water are prohibited	Ecocide restricted; environmental damage prohibited in IHL
Source Basis	Qur'an, Sunnah, Khulafa Rashideen, Fiqh	Geneva Conventions, Rome Statute, Customary International Law

Conclusion

Both Islamic and international legal traditions uphold remarkably similar humanitarian principles in war. Islamic law, originating in the 7th century, is rooted in divine commandments and prophetic tradition. Modern international law, though secular, converges on similar ethical outcomes through treaties and conventions. This alignment underscores the universality of humanitarian values and highlights the relevance of Islamic legal perspectives in contemporary legal discourse.

Keywords

Islamic law of war, Adab al-Harb, International Humanitarian Law, Geneva Conventions, protection of civilians, children in armed conflict, women in war, elderly protection, environmental protection in warfare, Qur'an and Sunnah, Abu Bakr's commands, war ethics, comparative legal study, Rome Statute, ENMOD Convention.

Footnotes

Qur'an 2:190, The Holy Qur'an.

Sahih al-Bukhari, Hadith No. 3014.

Abu Yusuf, Kitab al-Kharaj, p. 144.

Ibid.

Geneva Convention IV, Art. 50; Optional Protocol on the Involvement of Children in Armed Conflict, 2000.

Rome Statute of the International Criminal Court, Arts. 7–8.

Geneva Convention IV, Art. 16.

Protocol I Additional to the Geneva Conventions, 1977; ENMOD Convention, 1976.

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