


An Analysis of War and the Rights of Prisoners of War from the Perspective of Islam in Light of Quranic Verses

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<https://doi.org/10.22034/jksl.2024.388949.1193>



<https://dor.isc.ac/dor/20.1001.1.27833356.1403.5.4.1.5>

Introduction

Islam fundamentally upholds the principle of human freedom and dignity, viewing captivity as an imposed and incidental condition. Even in situations where social restrictions, such as taking prisoners, are necessary, they are implemented solely to safeguard societal interests. These measures are not acts of oppression but preventive actions. Islam regards war as a necessity and a last resort, aligning its philosophy of jihad with the principle of legitimate defense as enshrined in the United Nations Charter. This underscores the historical precedence of Islamic humanitarian law over international humanitarian law.

The pragmatic approach of Islam, as reflected in Quranic verses regarding prisoners of war, demonstrates that humanitarian standards—such as ensuring the rights of prisoners in various aspects—have been central to Islamic conduct in warfare. This study addresses the primary question: Are Islamic teachings on war and the rights of prisoners of war consistent in theory and practice? By examining Quranic verses, hadiths, and the conduct of the Prophet Muhammad (PBUH), the Imams, and Islamic armies in wars, it becomes evident that there is a unity of theory and practice in these two domains.

Methodology

Given the study's focus on humanities, particularly law, data collection was conducted through library research, utilizing diverse printed and electronic resources. Islamic legal discussions employed established methods of reasoning and *ijtihad*, with the analysis of jurisprudential and legal information grounded in Islamic legal reasoning.

Findings

A review of the theoretical framework and treatment of prisoners of war throughout history reveals robust evidence in Islam for the material and spiritual rights of prisoners, as documented in Quranic verses, hadiths, and the conduct of the Infallibles (AS). These principles align with contemporary international humanitarian law and include:

The principle of kindness to prisoners.

Provision of suitable clothing.

Prohibition of forced labor.

Release of incapacitated prisoners.

Medical care for prisoners.

Prohibition of killing prisoners.

The study concludes that respect for and assurance of prisoners' rights is a fundamental principle in Islam. Specific findings include:

Islamic teachings, as the most comprehensive framework for human prosperity, address war under the concept of jihad. Islam's humanitarian laws, characterized by realism, foresight, and comprehensiveness, surpass Western conflict laws in their divine and humane perspective.

Islamic humanitarian law is fundamentally protective, aiming to safeguard all individuals, military or civilian, during warfare. While differences exist between Islamic and international humanitarian law, both prioritize humanity and protection.

Islamic teachings, like international humanitarian law, emphasize non-military objectives, including environmental protection (e.g., water and land) and the prohibition of harm to historical sites and places of worship.

Islamic humanitarian law, rooted in principles of human dignity, justice, and equity, extensively supports prisoners of war, as seen in concepts like fidyah (ransom) and mann (benevolent release), which have no equivalent in international law.

Conclusion

Islamic law has a distinguished historical record regarding prisoners of war. At a time when no legal framework existed for the humane treatment of prisoners, Islam mandated humanitarian principles, never neglecting the ethical and moral aspects of dealing with prisoners. Islam pioneered the regulation of warfare, establishing humanitarian laws and recognizing the rights and welfare of prisoners of war.

Islamic law consistently emphasizes that wars are conflicts between systems, not individuals, ensuring the protection of people wherever military necessity allows. Divine religions have always stressed respecting human and divine rights during armed conflicts. Islam, addressing all dimensions of human existence, prioritizes prevention over cure and remains engaged with issues of war to minimize its adverse effects. Unlike some religions that avoid political, economic, and social matters, Islam's holistic worldview addresses all aspects of human life.

Fourteen centuries ago, Islam recognized the rights of prisoners of war, including guidance, proper living conditions, acknowledgment of welfare rights, exemption from forced labor, and humane treatment, as reflected in Quranic verses. These principles affirm the advanced nature of Islamic humanitarian law compared to contemporary international humanitarian law.

Keywords: War, Prisoners of War, Islamic Humanitarian Law, Legitimate Defense, Right to Humane Treatment

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How to cite:

Zeresghi, M. (2025). An Analysis of War and the Rights of Prisoners of War from the Perspective of Islam in Light of Quranic Verses. *Quran, Culture And Civilization*, 5 (4), 1 -24. doi:0.22034/jksl.2024.388949.1193