



## **THE LEGAL STATUS OF PRISONERS IN ISLAMIC LAW AND THEIR LEGAL PROTECTION (PART 2)**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 20 <sup>th</sup> February 2025 <b>Accepted:</b> 14 <sup>th</sup> March 2025	This article explores the legal status of prisoners in Islamic law and their legal protection. It discusses the principles of war and peace in Islam, emphasizing justice, fairness, and the prohibition of indiscriminate violence. The study delves into key Islamic legal concepts such as jihad, war ethics, and the treatment of prisoners. It also examines treaties, military operations, the protection of civilians, and the role of the state in regulating war-related matters. References from the Qur'an, hadiths, and classical Islamic juristic texts provide a comprehensive view of how Islamic law governs wartime conduct and the rights of prisoners.

**Keywords:** Islamic law, prisoners, war ethics, jihad, peace treaties, military operations, war regulations, human rights, Qur'an, hadith, Islamic jurisprudence, international relations, justice, war crimes, non-combatants, war prisoners, Islamic governance, enemy treatment, humanitarian law, Islamic state.

The use of various weapons, ammunition, and military tactics is allowed only if it facilitates or hastens victory over the enemy. Destroying cities and villages, cutting down orchards, and damaging irrigation facilities are permitted only if they contribute to achieving victory.

Islamic jurists have also addressed the treatment of Muslims who are among enemy forces. If Muslims are present among the disbelievers for various reasons, the question arises as to whether Islamic forces can wage war against the disbelievers. Scholars have offered different answers to this question.

Our compatriot Muhammad Sharif al-Bukhari expressed his opinion as follows: "It is permissible to wage war against the disbelievers, even if there are Muslims among them, such as merchants or nobles. Even if the disbelievers release the Muslims among them, war against the disbelievers may continue. However, during combat, the intention of the Muslim warrior must be that 'I aim my weapon at the disbeliever. If the weapon accidentally hits a Muslim and the Muslim is killed, there is no liability for killing the Muslim'".

If it is argued that the Prophet (peace be upon him) said, "In Islam, blood is not to be shed unjustly", then why is there no liability for killing in such cases? The response to this objection is that this hadith does not apply to all cases. It excludes groups such as robbers, rebels, *mufsidun fi al-ard* (those who spread

corruption on earth), and individuals involved in disputes. The reasons for excluding these groups from the hadith's application are elaborated upon in detail in Islamic legal texts.<sup>1</sup>

During war, Muslim soldiers and their family members are permitted to use the property, food products, fodder, and firewood of the population in enemy territory. However, this is only allowed while they are within the city or village where the property is located. Once they leave the area, they are no longer entitled to use these resources. However, actions such as slaughtering livestock, economically blockading civilians, using poisonous substances during military operations, or destroying churches and other religious monuments are prohibited.

Islamic jurists have discussed these matters in detail in their works. One such issue is the distribution of movable property captured during war (*ghanima*). There is debate among Islamic scholars about where and how such property should be distributed. Regarding the proper place to distribute *ghanima*, the students of Abu Hanifa - Muhammad ibn Hasan al-Shaybani and Abu Yusuf - hold differing opinions.

According to Shaybani: "*Ghanima should not be distributed in Dar al-Harb (enemy territory) until it has been brought into Dar al-Islam and possessed there. However, there is no harm in distributing it in Dar al-Islam*".

<sup>1</sup> Муҳаммад Шариф ал-Бухорий. Фавоиди ҳоконийа(Ҳоконга аталган фойдалар). Т.: "Адолат",- 1995 - Б.14.

In contrast, Abu Yusuf states: "If the Imam cannot find the means to transport it, he may distribute it in *Dar al-Harb* itself".<sup>2</sup>

Islamic jurists have also expressed their views on what types of property Muslim soldiers may use for their needs out of necessity before the distribution of *ghanima*. On this matter, Abu Yusuf stated:

"If there is food or fodder among the *ghanima*, a person in need may take from it within the scope of their necessity. If there is a need for weapons for the war, they may be taken from the *ghanima*. Once the necessity has ended, the items taken should be returned to the *ghanima*. However, doing so without necessity is considered *makruh* (disliked)".<sup>3</sup>

During military operations, the distribution of spoils (*ghanima*) between infantry and cavalry soldiers and their shares has been explained in greater detail by Muhammad ibn Hasan al-Shaybani. According to him, the share a soldier receives from the *ghanima* depends on whether they entered *Dar al-Harb* (enemy territory) on foot or on horseback and participated in the battle. If a soldier entered *Dar al-Harb* on horseback but later lost their horse for some reason and continued fighting on foot, they would receive the share of a cavalry soldier. Conversely, if a soldier entered *Dar al-Harb* on foot but later fought on horseback, they would receive the share of an infantry soldier.

This system was implemented during the time of Umar ibn al-Khattab. According to this practice, a cavalry soldier received two shares for their horse and one share for themselves, while an infantry soldier received only one share. Additionally, a soldier entering *Dar al-Harb* on a mule and participating in battle received the share of an infantry soldier. Similarly, a soldier who entered *Dar al-Harb* on foot but later continued fighting on horseback or on a ship was still entitled to the share of an infantry soldier. Regardless of their breed, all horses were considered equal.

As a general rule, *ghanima* was brought from *Dar al-Harb* to *Dar al-Islam* and distributed among the soldiers. However, the location of the soldier during the distribution and whether they were alive or dead played a crucial role. If a soldier died after participating in battle but before the *ghanima* was brought to *Dar al-Islam*, their heirs were not entitled to any share of the spoils. However, if the soldier died after the *ghanima* was brought to *Dar al-Islam*, their share was given to their heirs. Soldiers who joined the *ghanima* - carrying group on the way to *Dar al-Islam* were also entitled to a share of the spoils.

If a slave participated in the battle and assisted their master, or if children, women, or *dhimmi*s (non-Muslims under Muslim protection) fought or supported military operations, they were also entitled to rewards. Merchants who assisted the Muslim army in war were rewarded according to whether they participated on foot or horseback. According to Abu Hanifa, a merchant

fighting on horseback received the share of a cavalry soldier, while Abu Yusuf maintained that a merchant with their own slave and horse would receive the share of a cavalry soldier. Regardless of the number of horses owned, a soldier injured or captured during battle who did not participate directly in the capture of the *ghanima* but was present at its distribution in *Dar al-Islam* was entitled to a share of the spoils.

A person who converted to Islam in *Dar al-Harb*, a merchant, or someone who repented after apostasy and fought for the Muslims was also entitled to a share of the *ghanima*. The head of the Islamic state did not have the authority to distribute property acquired during war as an additional (*nafl*) gift to others. Any property found during military operations belonged to the finder. If fodder taken from the enemy was used out of necessity before the *ghanima* was distributed, any unused portion was returned to the *ghanima* for redistribution. If the *ghanima* had already been distributed, the unused fodder was sold, and the proceeds given as charity. If the unused fodder was loaned to another Muslim, the debt was forgiven.

If enemy forces captured Muslim property or enslaved Muslims and detained them in a specific location, a Muslim *musta'min* merchant in *Dar al-Harb* could purchase them and engage with the female slaves. If a captured slave was sold to a member of the enemy and later freed, the act of freeing them was approved. If property belonging to Muslims was captured during war and an enemy accepted Islam or obtained *dhimmi* status, the property remained under their control, and claims for its return were not accepted. If the enemy brought captured Muslim property to *Dar al-Islam* for sale, Muslims had no right to object or reclaim the property.

Regarding these issues, the author of *Fawa'id-i Khaqaniyya* stated: "If disbelievers, may Allah protect us, invade Muslim lands and seize the property of the Muslims and take it to *Dar al-Harb*, our scholars say that the disbelievers gain ownership of the Muslim property once they take it to *Dar al-Harb*. However, if Muslims enter *Dar al-Harb*, capture the property from the disbelievers as *ghanima*, and bring it to *Dar al-Islam*, the original owner may reclaim their property without any compensation before distribution. After distribution, they are entitled to reclaim it by paying its value.

If merchants recover the property from disbelievers and bring it back to *Dar al-Islam*, the original owner has the right to reclaim it. However, they must reimburse the merchants for the purchase price. If a disbeliever gifts a piece of property to a Muslim, and the Muslim brings it to *Dar al-Islam*, the original owner may reclaim it by paying its value".<sup>4</sup>

It is narrated from Sa'id al-Qatada, who reported from Khalan: "If someone steals from war spoils in which they have a share, their hand will not be

<sup>2</sup> Мухаммад ибн Хасан Шайбоний. "Китоб ас-сияр ас-сағир" Исломобод. 1998.//1419.(Араб тилида), - С. 32.

<sup>3</sup> Ўша асар, Б.33.

<sup>4</sup> Мухаммад Шариф ал-Бухорий. Фавоиди ҳокониййа (Ҳоконга аталган ғойдалар). Т.: "Адолат", -1995 - Б.20.

cut off. However, if they have no share in the spoils, their hand will be cut off".

Additionally, it is narrated from Sa'id al-Qatada, who reported from Sa'id ibn al-Musayyib: "If someone engages in sexual relations with a female slave taken as war spoils, and they have a share in those spoils, the *hadd* punishment will not be applied to them".<sup>5</sup>

In Islamic law, special attention is given to regulating the fate of the lands, cities, and villages conquered by the Muslim army, as well as the property belonging to non-Muslims. The fate of the lives, lands, and other property of non-Muslims generally depends on how Muslim rule over the territories inhabited by non-Muslims was established.

If these territories came under Muslim rule through a treaty with the non-Muslims, the head of state and their successors are obliged to honor the terms of the treaty. The lives, property, religious beliefs, customs, and way of life of the non-Muslims are protected. Lands belonging to non-Muslims remain under their control.

If territories inhabited by non-Muslims were conquered through military force, the fate of non-Muslims and their property depends on the discretion of the head of state. The head of state may distribute the lands among the soldiers or leave them in the possession of their original owners. In the latter case, non-Muslims are required to pay *jizya* and *kharaj* taxes. The head of state may also relocate non-Muslims from these lands and replace them with other non-Muslims, from whom *jizya* and *kharaj* would be collected, or resettle Muslims on these lands and collect *ushr* taxes from them.

The immovable properties - lands, buildings, and structures - in territories conquered during war become the possession of the victorious state. According to Abu Yusuf, the disposition of lands captured through force is within the jurisdiction of the head of state: they may distribute the lands among the soldiers participating in the conquest, collecting *ushr* taxes from them, or leave the lands with their original owners while collecting *kharaj* taxes. In the latter case, the head of state does not have the right to reclaim the lands from their owners. The owners may inherit or sell the lands they own. When determining the amount of *kharaj*, the financial capacity of the landowners is taken into account.

Abu Yusuf also writes that uncultivated lands, buildings, pastures, cemeteries, forests, and ownerless lands captured by force or through treaties with non-Muslims are considered "dead lands". Whoever develops or cultivates such lands acquires ownership. According to general rules, these lands are under the ownership of the head of state, who can grant them to others entirely, lease them, or transfer them under any other arrangement. Abu Hanifa clarifies this matter by stating: "Whoever revives dead land (i.e., cultivates or

develops it) with the permission of the *imam* (head of state), the land belongs to them. If someone revives dead land without the permission of the *imam*, the land does not belong to them. The *imam* has the right to reclaim the land, lease it, grant it, or adopt any other course of action as they see fit". Abu Yusuf notes that Abu Hanifa based this opinion on the hadith of Muhammad (peace be upon him): "Whoever revives dead land, it belongs to them". Abu Hanifa concluded that reviving dead land requires the permission of the *imam*. Abu Yusuf writes that Abu Hanifa reached this conclusion to prevent disputes among people over uncultivated lands.

Concerning the legal status of lands captured by Muslims from non-Muslims, the 17th-century scholar Sharif al-Bukhari, taking into account the practices of Muhammad (peace be upon him) and Caliph Umar (may Allah be pleased with him), provides the following recommendations regarding how the Islamic ruler should handle the lands, freedom, and taxation of the non-Muslims: "If the Islamic ruler conquers enemy territory (*Dar al-Harb*), they have discretion over it during conquest. If they wish, they may convert the enemy lands into lands belonging to the Muslims. For example, when the Prophet Muhammad (peace be upon him) conquered Khaybar, he distributed its spoils and lands among the Muslim soldiers. If the Islamic ruler wishes, they may leave the community free and convert their lands into *kharaj* lands, requiring the community to pay *kharaj*. For instance, when Caliph Umar (may Allah be pleased with him) conquered lands, he left them with their original owners and imposed *kharaj* on them. This event occurred in the presence of the companions of the Prophet Muhammad (peace be upon him)".<sup>6</sup>

Scholars, considering the financial situation of non-Muslims, have discussed how an Islamic ruler should address such matters. They also present the following opinions of jurists:

"Some jurists believe that it is better for the conquerors (*ghanimun*, those who occupy the lands of non-Muslims) to distribute the enemy lands among the conquerors if they are in need; otherwise, they should leave them..."<sup>7</sup>, In other words, the occupied lands remain under the control of their original owners, and land tax (*kharaj*) is collected from them.

If the livestock of the enemy captured by Muslims during military operations cannot be transported to *Dar al-Islam*, they are to be slaughtered or burned. If transporting weapons, equipment, or other goods to *Dar al-Islam* is difficult, requires significant effort and expense, they are to be burned. Items made of iron that cannot be burned are to be destroyed by explosions in remote areas far from inhabited locations. Various utensils belonging to non-Muslims are to be broken, and oils are to be spilled.

<sup>5</sup> Абу Юсуф Яъқуб Иброҳим ал-Куфи. "Китоб ал-Харож", 2017. -С. 267-268.

<sup>6</sup> Мухаммад Шариф ал-Бухорий. Фавоиди ҳокониййа (Ҳоконга аталган ғойдалар). Т.: "Адолат",-1995 - Б.17.

<sup>7</sup> Ўша жойда.

According to Islamic law, it is prohibited for Muslims to sell property necessary for conducting military operations to non-Muslims. However, an exception is made for the sale of food and clothing. On this matter, the author of *Fawa'id-i Khaqaniyya* writes: "The Islamic ruler prohibits the people of Islam from selling weapons, horses, or anything that could provide strength to the enemy to disbelievers. However, this prohibition does not apply to food and clothing".<sup>8</sup>

According to Islamic law, the defense of the homeland against the enemy is considered a collective obligation (*fard kifaya*) for Muslims. As a general rule, Muslims who are physically and mentally capable of participating in military operations must defend the homeland against the enemy. If the armed forces are insufficient to protect the homeland and engage in jihad, the responsibility of fighting the enemy becomes an individual obligation (*fard ayn*) for all Muslims.

In Islamic law, exceptions are granted to certain groups from fulfilling this obligation, including minors with parents, slaves, women, the blind, the crippled, the disabled, debtors, the guarantors of debtors, and renowned scholars. However, two exceptions are noted: minors may participate in defending the homeland with their parents' permission, and slaves may do so with their master's permission.

If *Dar al-Islam* is attacked by an enemy, fighting in its defense becomes an individual obligation (*fard ayn*) for all Muslims. In such cases, all Muslims are required to contribute to the defense to the best of their ability.

The call to fight the enemy is issued by state-appointed heralds on behalf of the head of state. This call represents an official mandate that is binding on all Muslims.

All expenses related to fighting the enemy are covered by the state treasury. If the state treasury is unable to cover these costs, additional contributions may be collected from the population as an exception.

During military operations, acts such as treason, breaking promises, violating agreements, misappropriating or concealing war spoils, killing prisoners to intimidate the enemy's population, and killing women, minors, the elderly, the blind, the weak, the disabled, the mentally ill, monks, and clergy who are peaceful are prohibited. Notably, if a Muslim soldier kills any of these individuals during combat, they must repent for their actions and seek forgiveness from Allah, though they are not required to pay *diyya* (blood money) for killing those individuals from the enemy's population.

Muslims participating in combat are not allowed to bring with them the Qur'an, books containing hadiths, Islamic legal texts, or their wives to enemy territory. A Muslim who enters enemy territory under a treaty of safety may carry the Qur'an only if they are

fully confident that the treaty will be honored by the enemy.

If the population of a city refuses to accept Islam or pay *jizya* taxes, an Islamic military assault on the city may be launched as a last resort. If Muslims or *dhimmi*s (protected non-Muslims) reside in the city, indiscriminate killing of the city's population is prohibited, regardless of their affiliation. If Muslims and *dhimmi*s are evacuated or leave the city voluntarily, the remaining population may be attacked only if they do not surrender willingly.

The conclusion of peace treaties, as well as the legal regulation of abandoned lands captured during military operations or acquired by other means, has also been a subject of focus for Islamic jurists. Regarding these matters, Abu Yusuf expresses the following view: "If buildings have not been constructed or crops planted on such lands, and they are distributed as spoils to the inhabitants of villages, if the lands are pastures, cemeteries, firewood collection areas, or places for grazing livestock, or if they are not owned or under someone's control, they are considered dead (*mawat*) lands. Whoever renders these lands or parts of them usable becomes their rightful owner".<sup>9</sup>

The head of state has the authority to grant such lands to anyone he chooses, lease them out, or offer them to Muslims in other forms. On this matter, Abu Hanifa expressed the following opinion: "Whoever revives dead land with the permission of the Imam, that land belongs to him. However, if someone revives dead land without the Imam's permission, the land does not belong to that person. The Imam has the right to take the land from him, lease it, grant it to another person, or choose any other course of action he deems appropriate".

Abu Hanifa based his opinion on the hadith of the Messenger of Allah (peace be upon him), which states: "Whoever revives dead land, it belongs to him". Abu Yusuf wrote: "If individuals from the enemy side perish and none of them remain, leaving their lands abandoned, and if those lands are not under anyone's control or claimed by anyone, then if a person occupies the land, cultivates it, plants crops and trees, and pays *kharaj* or *ushr* tax, the land belongs to him"<sup>10</sup>.

Regarding the taxation of lands belonging to polytheists (*mushrikun*) that are captured by Muslims, Abu Yusuf expressed the following opinion:

"If the lands of the polytheists are forcibly seized by Muslims, and the Imam distributes them among the soldiers who participated in the conquest, while transferring one-fifth to the state treasury, these lands become subject to *ushr* tax. Since the lands have been distributed among Muslim soldiers, they are classified as *ushr* lands, and whoever revives such land must pay the *ushr* tax, just as those who were granted the lands by the Imam paid it.

<sup>8</sup> Мухаммад Шариф ал-Бухорий. Фавоиди ҳокониййа (Ҳоконга аталган фойдалар). Т. : "Адолат", -1995 -Б.16.

<sup>9</sup> Абу Юсуф Яъқуб Иброҳим ал-Куфи. "Китоб ал-Харож",2017. -С.115.

<sup>10</sup> Абу Юсуф Яъқуб Иброҳим ал-Куфи. "Китоб ал-Харож", 2017. -С. 117.

However, if the Imam, as Umar ibn al-Khattab (may Allah be pleased with him) did with the Sawad lands, leaves the conquered lands in the possession of their original inhabitants without distributing them among the conquerors, these lands become subject to *kharaj* tax. Whoever revives such land must pay the *kharaj* tax, as those whose lands were left in their possession by the Imam did<sup>11</sup>.

In Islamic law, as a general rule, killing women and children of the enemy side who are not involved in hostilities is prohibited. If it is not possible to take them to *Dar al-Islam*, they are to be left behind in deserts and barren lands without food or water.

If a Muslim finds snakes or scorpions among the loads in *Dar al-Harb*, the snake's poisonous fangs are to be removed, and the scorpion's tail is to be cut off. These creatures should then be left in the place where they were found to reproduce in the future.

According to Islamic law, if there is a peace treaty between Muslims and non-Muslims, it is forbidden for Muslims to unlawfully seize the property of non-Muslims. The Prophet Muhammad (peace be upon him) instructed Abdurrahman ibn Awf to convey the following order to Muslims who had taken crops from the Jews: "It is not lawful for you to unlawfully take the property of those with whom you have a treaty".

Furthermore, Islamic law prohibits Muslims from oppressing the representatives of treaty partners, tarnishing their reputation, forcing them to perform tasks beyond their capacity, or treating them rudely. The legal basis for this is the following hadith of the Prophet Muhammad (peace be upon him): "Whoever oppresses a representative of the treaty, tarnishes their reputation, imposes upon them tasks beyond their ability, or rudely seizes their property, I will be their adversary on the Day of Judgment."

Another matter addressed by Islamic jurists is the temporary cessation of war and its legal consequences. It is positively regarded in Islamic law to enter into a peace treaty with non-Muslims for a specific period to pause ongoing hostilities. In such cases, the ruler, based on the interests of the Muslim community, must consult with them and establish a clearly defined duration for the peace agreement. The ruler must ensure that the terms of the treaty are fulfilled and monitor their adherence by the non-Muslims. Regarding this, the author of *Fawa'id al-Haqqaniyya* writes: "The ruler of Islam may make a truce with all or some of the disbelievers under the condition that hostilities will cease for a certain period, provided that the truce is in the interests of the Muslims. This is because the Messenger of Allah (peace be upon him) made a truce with the people of Mecca during the year of Hudaibiyyah for the benefit of the Muslims, agreeing to cease hostilities for ten years. However, if a truce is not

in the interests of the Muslims, it should not be concluded."

According to Islamic law, the ruler may also terminate a peace treaty with non-Muslims before its expiration if it is deemed in the best interest of the Muslim community. In such cases, the ruler must notify the non-Muslims and only begin hostilities after the news of the treaty's termination has reached them. Islamic jurists have elaborated on this matter in their works. Muhammad Sharif al-Bukhari noted: "If the ruler of Islam deems it more beneficial for the Muslim community to annul the treaty, then they may do so. However, in such a case, Muslims must not immediately launch an attack on the disbelievers. They should wait for sufficient time to allow the news of the treaty's annulment to reach the disbelievers. Only after that may hostilities begin against the enemy."

On the question, "What should Muslims do if the terms of the treaty are violated by non-Muslims?" Islamic jurists have provided the following response: According to Muhammad Sharif al-Bukhari, "If the disbelievers violate the treaty while the Muslims adhere to it, then the Muslims may wage war against this community".

If a peace treaty has been concluded between Muslims and non-Muslims, the Muslims, as the victorious party, must adhere strictly to the terms of the treaty. It is prohibited to seize the property of non-Muslims, harm participants in the war by inflicting injuries or amputations, or mutilate their bodies. Islamic jurists have elaborated on these points in their writings. Muhammad Sharif al-Bukhari stated: "It is appropriate and necessary for Muslim soldiers to avoid violating agreements with the combatants (i.e., the disbelievers), stealing wealth by deceitful means, cutting off the ears or noses of combatants, altering God's creations, such as blinding eyes, or engaging in other prohibited actions. This is because the Messenger of Allah (peace be upon him) never delivered a sermon without prohibiting such actions"<sup>12</sup>.

According to *Mukhtasar*, the leader of an Islamic state may enter into a truce with apostates; however, such a truce cannot be established in exchange for payment. A truce based on payment transforms the other party into a payer of *jizya*. The punishment for an apostate is solely death. If a truce is made with apostates, any wealth taken from them will not be returned to its owner<sup>13</sup>.

It is worth noting that during military operations, there were certain disagreements between Abu Hanifa and his disciples regarding the treatment of specific categories of individuals from the enemy side. These include their property, the bodies of those killed in battle, prisoners, livestock belonging to Muslims who crossed into *dar al-harb*, goods belonging to non-Muslims, and the fate of those who accepted Islam after being captured. Abu Hanifa considered it *makruh*

<sup>11</sup> Ўша жойда.

<sup>12</sup> Мухаммад Шариф ал-Бухорий. Фавоиди ҳокониййа (Ҳоконга аталган фойдалар). Т.: "Адолат",-1995 -Б.15.

<sup>13</sup> Қаранг: Мухтасар: (Шариат қонунларига қисқача шарҳ). Т.: "Чулпон"-1994.-Б.295-296.

(disliked) to kill women, children, elderly individuals incapable of fighting, chronically ill individuals, or others unfit for combat during war. However, he approved of killing monks, temple attendants, and those wearing *zunnar* (a Christian clerical belt). Regarding the execution or fate of enemy captives, Abu Hanifa left the decision to the ruler, approving both options. Abu Yusuf and Muhammad believed that whichever option benefited Muslims more should be chosen.

Abu Hanifa opined that Muslims should not purchase corpses or pork from *ahl al-harb* (people of the enemy territory) or others, nor should they engage in usury to earn interest from them.

Seeking assistance from polytheists (*ahl al-shirk*) during war against *ahl al-harb* is permissible if Islamic principles prevail, and those who provide such assistance are entitled to compensation.

Treaties between Muslims and local populations in conquered territories reflected the climatic conditions of the regions, the lifestyle, beliefs, governance, and customs of the inhabitants. These treaties regulated mutual relations, the legal status of conquered territories, and the rights and obligations of their populations.

According to the agreement written by Suraka ibn Amr, the governor of Umar ibn al-Khattab, to the Armenian king Bab Abd al-Rahman Shahriruz, the lives, property, and religion of the Armenian population were guaranteed safety. It was ensured that no harm would be done to them, and they would not face discrimination. The native population of Armenia and immigrants from Abwab were obligated to join the Muslim army in fighting the enemy when summoned by the governor. Those fulfilling this obligation were exempt from paying *jizya* tax. Those unwilling to participate in battle were required to pay *jizya*, host Muslim soldiers for one night, and provide guidance<sup>14</sup>.

After the Byzantine-aligned Egyptian commander Artabun was defeated in battle and sought peace, the Muslim commander Amr ibn al-As, after consulting with Caliph Umar ibn al-Khattab, issued a treaty to the people of Egypt. The treaty guaranteed the safety of the lives, property, religion, churches, crosses, lands, and waters of the Egyptian people, ensuring that Muslims would not interfere with them or discriminate against them. It also stipulated that Muslim soldiers would not reside among the Egyptians.

The treaty required the Egyptian people to pay a *jizya* tax of fifty thousand dirhams during years when the Nile carried sufficient water. It granted the Egyptians the right to punish their own thieves. If a portion of the Egyptian population refused to pay *jizya*, the total amount collected would be reduced proportionately, and those refusing to pay would lose

the protection of the Islamic state. In years when the Nile's water levels were lower than usual, the amount of *jizya* collected from the Egyptians would be reduced in proportion to the decrease in water.

If the Romans or other military personnel agreed to the terms of the treaty with the Egyptians, they too would be entitled to the same privileges as the Egyptians, provided they fulfilled the same obligations imposed on the Egyptians.

Those who did not agree to the terms of the treaty and chose to leave were guaranteed safe passage to their intended destinations. They were also entitled to enjoy one-third of the privileges granted to the Egyptians until they reached their destination<sup>15</sup>.

In Islamic law, ensuring security, maintaining discipline among soldiers, monitoring compliance during war, identifying violators, and administering military punishments are given special attention within the army. This is evident in the instructions given by Abu Bakr al-Siddiq to his commander Yazid ibn Abi Sufyan:

"At night, hold conversations with your comrades (commanders) so that reports will come to you, and veils will be lifted for you. Increase the number of your guards and disperse them among your troops. Frequently inspect what they are guarding without notifying them beforehand. If you catch someone neglecting their duties, correct them kindly, but do not overdo the punishment. Rotate your guards day and night, alternating them. Make the first watch longer than the second, as the first is closer to the day and easier to manage.

Do not shy away from disciplining the guilty, but also do not err in this matter. Do not rush into it or make it overly desirable for others. Never neglect the state of the camp or allow its order to deteriorate. Do not spy on your soldiers to humiliate them, nor reveal their secrets. Be content with outward appearances. Avoid sitting with idlers, and do not be seen with those who are loyal and trustworthy. Be truthful and dependable in your dealings with people. Do not be a coward, for if you are, your people will become cowardly as well"<sup>16</sup>.

If an enemy spy enters an Islamic state, they should not be shown mercy and must be killed. This is narrated by Iyas ibn Salama ibn al-Akwa, may Allah be pleased with him:

"The Messenger of Allah, peace and blessings be upon him, was on a journey when a spy from the polytheists came and sat with his companions, conversing with them. Then, the spy left. The Messenger of Allah, peace and blessings be upon him, said, 'Track him down and kill him!' My father, Salama ibn al-Akwa, killed him. Later, the Prophet, peace and blessings be upon him, gave my father the belongings

<sup>14</sup> Қаранг: Шайх Муҳаммад Содиқ Муҳаммад Юсуф. Ҳадис ва Ҳаёт. 21-Ҷуз. Абу Бакр ва Умар розияллоху анхумо. Т.: "SHARQ", 2011. - Б. 373.

<sup>15</sup> Қаранг: Шайх Муҳаммад Содиқ Муҳаммад Юсуф. Ҳадис ва Ҳаёт. 21-Ҷуз. Абу Бакр Умар розияллоху анхумо. Т.: "SHARQ", 2011. – Б. 352-353.

<sup>16</sup> Кучирма олинди: Муҳаммад Содиқ Муҳаммад Юсуф. Ҳадис ва Ҳаёт. 21-Ҷуз. Абу Бакр ва Умар розияллоху анхумо. Т.: "SHARQ", 2011. –Б. 169.

of the spy (his horse, sword, and other items) as spoils of war”.

The research highlights the detailed regulations concerning the declaration and conduct of war in Islamic law, particularly the prohibition of harming non-combatants, women, children, the elderly, and religious clergy. It also underlines the humane treatment of prisoners, who are either freed, ransomed, or integrated into Muslim society with full rights and protection.

Furthermore, Islamic law mandates that war must be conducted under strict legal and ethical standards. Military operations should only target combatants and those directly involved in warfare, while civilians and their property are protected from harm. The rules governing captured spoils of war, peace treaties, and governance of occupied territories illustrate the comprehensive nature of Islamic law in regulating wartime conduct.

In conclusion, Islamic law advocates for peace, justice, and the humane treatment of prisoners of war. It strictly prohibits aggression, unlawful killings, and violations of human rights. The legal principles derived from Islamic sources provide a framework for ethical military conduct, emphasizing mercy, fairness, and accountability. By adhering to these principles, Islamic law seeks to uphold the dignity of all individuals, ensuring that even in times of conflict, justice and compassion prevail.

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