

Jurisprudential and Legal Analysis of Israeli Attacks on Residential Areas and Civilians in Palestine

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ABSTRACT:

This study, using descriptive and analytical methods based on data obtained from library research, aims to provide a portion of the necessary legal and jurisprudential literature for examining Israel's attacks on residential areas and Palestinian civilians. Based on the findings of a comparative study of the rules of international humanitarian law and the principles of Islamic jurisprudence, this paper analyzes the legal and jurisprudential aspects of Israel's military attacks and explicates the responsibilities arising from these actions under international laws and Islamic rulings. The findings of the research indicate that Israel's military attacks on residential areas and civilians constitute a clear violation of the principles of humanitarian law, including the prohibition of attacks on civilians and civilian objects. Moreover, these actions contradict Islamic jurisprudential rules that emphasize the sanctity of innocent lives and property. This paper also examines Israel's legal responsibilities for these attacks and discusses the role of the international community in pursuing and addressing these crimes.

Keywords: *Israel's attacks, international humanitarian law, civilian rights, Islamic jurisprudence, war crimes, Palestine, human rights*

INTRODUCTION:

Military attacks against residential areas and civilian populations, particularly in Palestine, constitute one of the most salient manifestations of human rights violations and breaches of the fundamental principles of international humanitarian law. These attacks, which have not only claimed the lives of thousands of innocent people but have also caused widespread destruction of vital infrastructure, homes, and communities, have emerged as a serious challenge to the international legal order as well as to the principles of Islamic jurisprudence. International humanitarian law, grounded in the Geneva Conventions and the Rome Statute of the International Criminal Court, has established principles aimed at the protection of civilians and the prohibition of attacks against civilian targets. In parallel, Islamic jurisprudence, through its emphasis on the sanctity of the lives and property of innocent persons, the principle of *la darar* (no harm), and the values of human dignity, offers both an ethical and legal framework for addressing war crimes.

These attacks, carried out systematically by Israel, are regarded not only as war crimes under international law, but also, from the perspective of Islamic jurisprudence, as clear violations of the principles of justice, human sanctity, and legitimate defense. Nevertheless, the weakness of the international community in providing effective enforcement mechanisms to confront such violations has made a comparative examination of

Islamic jurisprudence and international law all the more necessary.

The present study first examines the theoretical foundations of civilian rights in international law and Islamic jurisprudence. It then analyzes the points of convergence and divergence between these two legal systems in addressing Israeli military attacks. Finally, it explores Israel's legal responsibility for these acts and the role of the international community in confronting them. The aim of this research is to provide part of the jurisprudential and legal literature necessary for addressing war crimes and for strengthening legal and ethical mechanisms against military attacks on residential areas and civilian populations.

1. International Humanitarian Law:

International Humanitarian Law (IHL), as a branch of public international law, was developed to reduce the effects of armed conflicts and to protect vulnerable persons during times of war. It comprises a body of laws and regulations that govern the conduct of belligerent forces toward civilians and limit the means and methods of warfare available to parties engaged in a conflict. These rules protect individuals who are directly or indirectly affected by armed conflicts, whether international or non-international in nature, and seek to mitigate the humanitarian consequences of armed violence (Bothe, 2024: 12; Sandoz, 2023: 45).

The idea of protecting civilians and those affected by war has a long history and has been discussed since ancient times by social reformers, religious leaders, and advocates of humanity. In the modern era, when **Henry Dunant**, a Swiss citizen, witnessed the devastating condition of wounded soldiers after the Battle of Solferino in 1859, he proposed the establishment of an international institution to alleviate the suffering of war victims. His efforts led to the creation of the **International Committee of the Red Cross (ICRC)**, which later became one of the world's most prominent humanitarian organizations. In 1864, when representatives of sixteen European states signed the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, the first practical step toward the codification of humanitarian law was taken. This convention, which later became the foundation of modern international humanitarian law, established principles for the protection of civilians and war victims and paved the way for the adoption of related international conventions (Bugnion, 2023: 78; Kolb, 2024: 103).

One of the fundamental principles of international humanitarian law is the **principle of distinction**, which requires parties to a conflict to distinguish between combatants and non-combatants. This principle was first articulated in the **St. Petersburg Declaration of 1868**, which stated that the legitimate objective of war is to weaken the military forces of the enemy rather than to inflict harm on civilians. The principle was later incorporated into Articles 48, 51, and 52 of **Additional Protocol I (1977)** to the Geneva Conventions and is now recognized as a customary principle of the law of armed conflict (Doswald-Beck, 2022: 45; Henckaerts, 2023: 76).

Article 48 of Additional Protocol I explicitly emphasizes the necessity of distinguishing between military and civilian objectives and of respecting civilian persons. This principle was further affirmed by a resolution adopted by the **Institute of International Law in 1969** and by **United Nations General Assembly Resolution 2678 (1970)** as a rule of customary international law. Furthermore, the United Nations General Assembly, through **Resolution 1375 (1970)**, endorsed the fundamental principles for the protection of civilian populations during armed conflicts. These resolutions strongly emphasize the importance of adhering to the principle of distinction and avoiding attacks against civilians (Kolb, 2023: 113; Sassòli, 2022: 88).

Article 51(6) of Additional Protocol I also explicitly states that: “**Attacks against the civilian population or individual civilians by way of reprisals are prohibited.**” Even the principle of military necessity cannot justify such actions. Nevertheless, the history of international law demonstrates numerous instances in which states have violated these principles, highlighting

the significant challenges involved in achieving humanitarian objectives (Kolb, 2023: 113; Sassòli, 2022: 88).

Another significant milestone in the development of international humanitarian law was the prohibition of chemical weapons, which was established through the **Geneva Protocol of 1925**, one of the most important legal instruments in this field. This protocol, which entered into force in 1928, completely prohibited the use of chemical and biological weapons. Its provisions largely reflected the principles adopted during the **Washington Conference of 1922** and explicitly declared the use of chemical weapons in warfare to be prohibited under all circumstances. The protocol was signed by more than 140 states worldwide and is recognized as one of the customary agreements in international law (Bugnion, 2023: 56; Sandoz, 2022: 45).

1.1. Rights of Civilians:

Before the adoption of the Geneva Conventions, civilians often lacked adequate legal protection during armed conflicts. With the ratification of these conventions and their additional protocols, states became obligated to actively protect civilians from the effects of armed conflicts. Nevertheless, an examination of modern wars indicates that civilians continue to be the primary victims of armed conflicts, suffering extensive physical, psychological, and economic harm (Akande & Liefländer, 2022: 134; Lubell, 2023: 45).

Children, as one of the most vulnerable civilian groups, suffer some of the most severe consequences of war. These consequences include death, injury, displacement, malnutrition, separation from family members, deprivation of education and healthcare, and even recruitment as child soldiers in certain conflicts. According to recent statistics, approximately 300,000 children worldwide are involved in armed conflicts as child soldiers, which constitutes a clear violation of international humanitarian law (Cohen & Deeks, 2023: 89).

The **Fourth Geneva Convention (1949)** and **Additional Protocol I (1977)** require states to provide special protective measures for children. These measures include ensuring access to basic necessities such as food, clothing, and medical care, providing support for orphans and children separated from their families, ensuring humane treatment during detention, and facilitating the distribution of humanitarian assistance. Article 77 of Additional Protocol I emphasizes special respect and protection for children and obliges states to take all necessary measures to safeguard them from the harmful effects of armed conflicts (Lubell, 2023: 67).

In addition to the Geneva Conventions, the **Convention on the Rights of the Child (1989)** is recognized as one of the most important international instruments for the protection of children. Article 38 of the Convention specifically emphasizes the responsibility of states to

protect children during armed conflicts. Furthermore, the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)** prohibits the recruitment and use of children in warfare and requires states to establish eighteen years as the minimum age for compulsory recruitment into armed forces (Akande & Liefänder, 2022: 45).

Despite the existence of numerous international legal instruments, the implementation of these laws continues to face significant challenges. In many countries, due to a lack of political will, weak international monitoring mechanisms, and insufficient governmental cooperation, children remain victims of violations of international humanitarian law. For example, in some regions children are recruited as combatants or denied access to humanitarian assistance. Additionally, the prolonged nature of armed conflicts and the legal complexities involved in prosecuting perpetrators have made effective enforcement of these laws particularly difficult (Cohen & Deeks, 2023: 112; Lubell, 2023: 78). The **Fourth Geneva Convention (1949)** and **Additional Protocol I (1977)** also provide special protections for women during armed conflicts. In particular, Article 76 of Additional Protocol I obliges states to protect women against rape, abuse, and other forms of wartime violence. These provisions are widely recognized as customary rules of international law that states are required to implement without reservation (Lubell, 2023: 78; Akande & Liefänder, 2022: 145).

Due to their specific physical and social circumstances, women are often exposed to serious risks during armed conflicts, including rape, sexual slavery, forced prostitution, and forced pregnancy. Such acts are not only violations of international humanitarian law but are also recognized as crimes against humanity and war crimes. The **Rome Statute of the International Criminal Court (1998)**, particularly Article 7(1) and Article 8, explicitly defines sexual violence as both a war crime and a crime against humanity. These provisions reflect the international community's efforts to combat impunity for sexual violence committed during armed conflicts (Deeks, 2023: 112; Lubell, 2023: 89).

2. Principles of Islamic Jurisprudence in Warfare:

2.1. Quranic Principles and the Prophetic Tradition (Sunnah):

Islam, as a religion founded on moral values and human dignity, provides clear guidelines regarding conduct during war and the protection of civilian rights. These principles are derived from the Holy Qur'an and the Prophetic traditions (Hadith), which consistently emphasize justice, the avoidance of aggression, and the preservation of human life, property, and dignity.

The Qur'an states in Surah Al-Baqarah (2:190): *"Fight in the way of Allah those who fight you, but do not transgress. Indeed, Allah does not love transgressors."* This verse permits self-defense while prohibiting

excessive or unjust conduct during warfare. Such prohibited transgressions include attacks against civilians, unnecessary destruction, and harm inflicted upon innocent individuals (Tabataba'i, 1374, Vol. 2, p. 75). Similarly, Surah Al-Mumtahina (60:8) states: *"Allah does not forbid you from being kind and just toward those who have neither fought you because of religion nor driven you out of your homes. Indeed, Allah loves those who act justly."* This verse highlights the obligation to treat non-combatants with justice and kindness (Makarem Shirazi, 1379, Vol. 10, p. 124). Furthermore, Surah Al-Ma'idah (5:32) declares: *"Whoever kills a person unjustly...it is as though he has killed all mankind."* This verse emphasizes the sanctity of human life and equates the unlawful killing of one innocent person with the killing of humanity as a whole (Qara'ati, 1380, Vol. 3, p. 45).

The Prophet Muhammad (PBUH) also instructed military commanders to refrain from harming women, children, the elderly, and other non-combatants. One well-known hadith states: *"Do not kill an aged person, a child, or a woman"* (Abu Dawood, Sunan, Vol. 3, p. 64). During the Battle of Badr, the Prophet ordered that prisoners of war be treated kindly and provided with adequate food, even when resources were limited for Muslims themselves (Bukhari, Sahih, Vol. 4, p. 123). Moreover, he prohibited the destruction of trees, agricultural lands, and natural resources during warfare and instructed his followers to avoid environmental damage and unnecessary devastation (Muslim, Sahih, Vol. 5, p. 89). Likewise, Imam Ali (A.S.), in his famous letter to Malik al-Ashtar, emphasized the importance of justice during war and warned against violating civilian rights, stating: *"Avoid killing innocent people and uphold justice even in the most difficult circumstances"* (Nahj al-Balagha, Letter 53).

These teachings from the Qur'an, the Sunnah, and the practice of Imam Ali demonstrate Islam's strong commitment to preserving human dignity even during armed conflict. These principles not only form the foundation of Islamic jurisprudence (Fiqh) concerning warfare but also correspond closely with the principles of international humanitarian law and may serve as a model for ethical standards in contemporary armed conflicts.

Another important principle in Islamic jurisprudence is the rule of **"La Darar wa La Dirar fi al-Islam"** ("There shall be neither harm nor reciprocating harm in Islam"). Derived from a Prophetic tradition, this principle prohibits causing harm to oneself or others and serves as a fundamental rule of Islamic law. In the context of warfare, it forbids any action that causes unjustified harm to human life, property, or dignity. Accordingly, belligerent parties are required to respect the rights of civilians, prisoners of war, and other protected persons (Najafi, 1403, p. 58).

The sanctity of human life is regarded as an inviolable principle in Islamic jurisprudence. As emphasized in Surah Al-Ma'idah (5:32), the unlawful killing of an innocent person is considered one of the gravest

offenses. This divine command serves as the legal and moral foundation for prohibiting attacks on civilians and indiscriminate violence during armed conflict (Shafiei, 1404, p. 115). Classical Islamic jurists extensively discussed this principle in the context of the law of war. Scholars such as Imam Malik and Imam Shafi'i stressed the necessity of respecting civilian rights during armed conflicts and maintained that aggression against the lives or property of innocent persons is prohibited under Islamic law, even during wartime (Al-Nawawi, 1416, Vol. 2, p. 432). Similarly, Imam Ali (A.S.) reaffirmed in Letter 47 of *Nahj al-Balagha*: "*Refrain from killing innocent people and violating the rights of those who cannot defend themselves, and uphold justice.*"

These principles provide a comprehensive moral and legal framework for the conduct of Muslims during warfare and are recognized as fundamental elements of Islamic international law. Contemporary studies have further demonstrated the compatibility of these principles with modern international standards for the protection of civilians in armed conflicts (Salehi, 1404, p. 48).

2-2. Contemporary Jurisprudential (Fiqh) Principles:

Islamic jurisprudence (fiqh) places strong emphasis on the sanctity of human life and the prohibition of harming others, even during armed conflicts (Najafi, 1403: 58; Shafi'i, 1404: 115). Islamic jurists and scholars, including Ibn Qudamah, Imam Malik, and Wahbah al-Zuhayli, have reported a scholarly consensus (ijma') on the prohibition of any form of aggression against civilians and the destruction of civilian property (Ibn Qudamah, 1417/1: 402; Malik, 1413: 345; al-Zuhayli, 1427: 520).

In contemporary international humanitarian law, military operations must be conducted only by individuals or entities legally authorized to engage in armed conflict under international law. This principle emphasizes that military actions should be directed solely against legitimate military objectives. Civilians and all persons who do not participate in hostilities must remain protected from harm. This requirement is recognized as one of the fundamental principles of international humanitarian law (Ziya'i Bigdeli, 1377: 103).

Similarly, in Islamic teachings regarding jihad, a primary rule is the adoption of methods that prevent the killing of innocent people and civilians. Islam prescribes that warfare should be conducted only between combatants and that civilians—including women, children, the elderly, and the wounded—must be protected from attack. This principle is explicitly stated in the Qur'an, Surah Al-Baqarah (2:190): "*Fight in the way of Allah against those who fight against you, but do not transgress. Indeed, Allah does not love transgressors.*" This verse limits warfare to those actively engaged in combat and prohibits aggression against civilians or those incapable of fighting.

Consequently, attacks against non-combatants or individuals who have no military role are forbidden. Likewise, harming women, children, the elderly, the wounded, surrendered individuals, or prisoners is prohibited. These rules, shared by both international humanitarian law and Islamic teachings, emphasize the preservation of human dignity during armed conflicts and are regarded as essential principles for reducing the humanitarian consequences of war and protecting vulnerable populations.

Islamic legal doctrine maintains that the protection of civilians, particularly women and children, remains obligatory throughout all stages of armed conflict. According to some scholars, Islamic humanitarian law extends such protection more comprehensively than international humanitarian law, as it regards the preservation of life and human dignity as a continuous religious and moral obligation regardless of military circumstances (Lotfi et al., 1388: 34).

From the perspective of Islamic humanitarian law, civilians are entitled to comprehensive protection, including:

- a) Women and children;
- b) Elderly persons;
- c) Merchants and farmers;
- d) Civilian travelers;
- e) Religious leaders and clergy (Mohaqqeq Damad, 1383: 57).

Furthermore, prominent Shi'a jurists have extensively discussed the protection of civilians. Sahib al-Jawahir stated that no recognized jurist has opposed this principle, while Allamah al-Hilli, in *Tadhkirah* and *Muntaha*, reported a scholarly consensus (ijma') regarding the prohibition of aggression against civilians. Additionally, a narration from Imam al-Sadiq (A.S.) explicitly condemns any form of attack against non-combatants. This protection is so extensive that even intimidating civilians, including women and children, is considered impermissible under Islamic law (Najafi, 1332: Vol. 21, p. 72).

3. Legal and Jurisprudential Responsibility of Israel for Attacks on Residential Areas:

3.1. Israel's Responsibility under International Law:

Israel's responsibility under international law can be examined within the frameworks of **International Humanitarian Law (IHL)** and **International Criminal Law (ICL)**. Due to its military operations and policies in the Palestinian territories, particularly in the Gaza Strip, Israel has frequently been accused of violating fundamental principles of international law. These principles include the distinction between military and civilian objects, proportionality in attacks, and the obligation to take precautions to minimize harm to civilians.

According to Article 48 of Additional Protocol I to the Geneva Conventions, attacks must be directed exclusively against military objectives. However, Israel has been repeatedly accused of violating this principle

through attacks on residential areas, schools, and hospitals (Lubell, 2023: 78). Furthermore, the alleged use of prohibited weapons, such as white phosphorus in densely populated areas, has been criticized as a violation of the principle of proportionality because of the extensive civilian casualties and destruction of essential infrastructure associated with such attacks (Cohen & Deeks, 2023: 112).

In addition, the prolonged blockade of the Gaza Strip, which has severely restricted access to food, medicine, and healthcare services, has been characterized by many legal scholars as a form of collective punishment and a violation of Article 33 of the Fourth Geneva Convention. Such measures have also been linked to violations of fundamental human rights, including the rights to life and health as recognized in United Nations human rights instruments (Akande & Liefänder, 2022: 156).

Under the Rome Statute of the International Criminal Court (ICC), intentional attacks against civilians, extensive destruction of property not justified by military necessity, and the use of prohibited weapons may constitute war crimes. Consequently, it has been argued that individuals responsible for such acts may be subject to international criminal prosecution (Sassòli, 2022: 145).

The international community has repeatedly called upon Israel to comply with international law. Nevertheless, political and military support from certain states, particularly the United States, has often been viewed as limiting the effectiveness of international pressure and accountability mechanisms. As a result, concerns persist regarding the continued occurrence of alleged violations without adequate legal consequences.

Therefore, many contemporary legal scholars argue that the repeated targeting of Palestinian civilian areas, particularly in Gaza, represents a serious violation of international humanitarian law and may amount to war crimes (Bassiouni & Nassar, 2023: 490). Furthermore, international investigative bodies and fact-finding missions have relied on documented evidence and legal analyses to assess allegations of responsibility, emphasizing that the continuation of such practices poses significant challenges to the international accountability system (Feldman & Shany, 2022: 715).

3.2. Israel's Responsibility under Islamic Jurisprudence:

In Islamic jurisprudence, the protection of non-combatants during armed conflict is not merely a moral recommendation but a firmly established legal principle derived from the Qur'an, the Prophetic tradition (Sunnah), and the consensus of Islamic jurists. One of the most fundamental principles is the inviolability of human life and property.

Ibn Qudamah, in *Al-Mughni*, explicitly states that harming women, children, the elderly, monks, or any unarmed individual is prohibited, even during wartime, and that the killing of such persons is strictly forbidden (Ibn Qudamah, 1417: 402). Likewise, Imam Malik, in

Al-Mudawwanah al-Kubra, relying on Prophetic traditions and the practices of the Companions, maintains that aggression against civilians and the destruction of homes and public facilities are unlawful even under the banner of jihad and may entail legal liability and compensation for damages (Malik, 1413: 345).

Similarly, Al-Mawardi, in *Al-Ahkam al-Sultaniyyah*, emphasizes the responsibility of Muslim rulers to protect the lives and property of innocent people and rejects any justification for violating this principle. He further argues that the destruction of civilian property constitutes a form of injustice that must be avoided (Al-Mawardi, 1415: 48–49).

Comparable views can be found in Shi'a jurisprudence. Scholars such as Allamah al-Hilli in *Tadhkirat al-Fuqaha* and Al-Shahid al-Thani in *Masalik al-Afham* affirm the prohibition of attacks against civilians and public facilities, even during conflicts with hostile forces. These scholars report a broad juristic consensus on the matter.

Contemporary Islamic scholars have further elaborated on these principles. Wahbah al-Zuhayli, in *Mawsu'at al-Qawa'id al-Fiqhiyyah*, identifies the prohibition of harming civilians as a universally accepted rule among Islamic legal schools. He notes that all jurists agree on the prohibition of killing women, children, the elderly, and religious figures, as well as the unnecessary destruction of civilian infrastructure and property (Al-Zuhayli, 1427: 520).

Likewise, in *Athar al-Harb fi al-Fiqh al-Islami*, Al-Zuhayli emphasizes that even in cases of legitimate self-defense, the sanctity of civilian life and property must be respected. Any violation of this principle entails both religious and social responsibility and may require compensation for damages (Al-Zuhayli, 1429: 343).

Ali Jarisheh, in *Al-Jihad fi al-Islam*, compares Islamic jurisprudence with international humanitarian law and argues that Islamic legal doctrine not only corresponds with humanitarian principles but, in some respects, imposes even stricter limitations on warfare. Drawing upon both Sunni and Shi'a sources, he highlights the consensus among Islamic scholars regarding the prohibition of harming civilians, particularly women and children, and condemns the destruction of residential areas and public facilities as clear forms of injustice and unlawful aggression (Jarisheh, 1423: 164). Accordingly, based on Qur'anic teachings, Prophetic traditions, juristic consensus, and contemporary Islamic legal scholarship, attacks against residential areas and civilians are regarded in Islamic jurisprudence as acts of injustice, aggression, and violations of established legal and moral principles. Such actions are therefore considered both religiously and legally impermissible, and those responsible may bear accountability under Islamic legal and ethical standards (Al-Zuhayli, 1427: 520; Malik, 1413: 345; Ibn Qudamah, 1417: 402; Jarisheh, 1423: 164).

Comparison of Islamic Jurisprudence and International Humanitarian Law:

Although Islamic jurisprudence and international humanitarian law emerged from different historical and intellectual traditions, both seek to reduce the suffering caused by armed conflicts and to protect human dignity (Fombad, 2020: 52). Both legal systems emphasize the preservation of life, the prohibition of inhumane treatment, and the importance of justice during wartime (El Zein, 2022: 785; Sachedina, 2021: 215).

In Islamic jurisprudence, the protection of civilians and the regulation of warfare are rooted in the Qur'an and the Sunnah. Principles such as the prohibition of aggression, the obligation to uphold justice even during conflict, and the rule of *La Darar wa La Dirar* (no harm and no reciprocation of harm) demonstrate a commitment to preventing unnecessary suffering and protecting vulnerable individuals without discrimination (Fombad, 2020: 60; Sachedina, 2021: 218).

Similarly, international humanitarian law protects civilians through principles such as distinction, proportionality, and precaution. These principles prohibit attacks against civilians and civilian objects while requiring parties to armed conflicts to minimize harm whenever possible (El Zein, 2022: 790; Khan, 2023: 108; Fombad, 2020: 62).

Comparative studies have shown that several humanitarian principles found in modern international law including the prohibition of mutilation, the protection of vulnerable groups, and restrictions on indiscriminate destruction were articulated in Islamic legal sources centuries before the adoption of the Geneva Conventions (El Zein, 2022: 798; Sachedina, 2021: 222).

In recent decades, contemporary interpretations of Islamic jurisprudence have increasingly aligned with international humanitarian standards and have played a significant role in promoting the implementation of Geneva Convention norms within Muslim-majority societies (Khan, 2023: 114; Fombad, 2020: 65). Institutions such as the Red Crescent and Islamic jurisprudential academies have contributed to explaining humanitarian principles through Islamic ethical frameworks, thereby facilitating broader acceptance and implementation of these norms (El Zein, 2022: 803).

In practice, Islamic concepts of just warfare, with their emphasis on minimizing civilian harm and regulating conduct during hostilities, continue to provide important ethical guidance for reducing human suffering and restraining violence, particularly in contemporary asymmetric and internal armed conflicts (Khan, 2023: 117; Sachedina, 2021: 229).

CONCLUSION:

The military attacks carried out by Israel against residential areas and Palestinian civilians constitute a clear violation of the fundamental principles of civilian protection under both Islamic jurisprudence and

International Humanitarian Law (IHL). Within the framework of IHL, principles such as distinction between military and civilian objects, proportionality in attacks, and the obligation to take precautions to minimize harm to civilians are recognized as customary rules and binding international obligations upon states. These principles unequivocally prohibit attacks directed against civilians. Nevertheless, Israel has been described as having committed war crimes through actions such as the destruction of homes, schools, and hospitals, the blockade of the Gaza Strip, and the use of prohibited weapons such as white phosphorus. These actions not only contradict Articles 48 and 51 of Additional Protocol I to the Geneva Conventions but also constitute violations of the principles enshrined in the Rome Statute of the International Criminal Court and Article 33 of the Fourth Geneva Convention concerning the prohibition of collective punishment.

From the perspective of Islamic jurisprudence, the principles of the inviolability of human life and property, together with the legal maxim that no harm may be inflicted or reciprocated, are regarded as fundamental and immutable norms prohibiting aggression against civilians, the destruction of public and private property, and the killing of innocent persons. Numerous Qur'anic verses, including Surah Al-Baqarah (2:190) and Surah Al-Ma'idah (5:32), explicitly affirm the sanctity of human life and prohibit transgression even in times of war. Furthermore, Prophetic traditions and the consensus of Islamic jurists including Ibn Qudamah, Malik ibn Anas, Al-Mawardi, and Wabbah al-Zuhayli strongly emphasize the observance of justice and the avoidance of wrongdoing during armed conflicts. These jurisprudential principles serve not only to preserve the dignity of civilians during warfare but also to establish both religious and legal accountability for those who violate them.

A comparative analysis of International Humanitarian Law and Islamic jurisprudence indicates that attacks on residential areas and Palestinian civilians constitute a clear example of war crimes and violations of established legal and ethical norms. From the perspective of international law, such actions may entail international criminal responsibility, and those responsible may be subject to prosecution under the Rome Statute of the International Criminal Court. Likewise, from the perspective of Islamic jurisprudence, such attacks are unequivocally unlawful, and their perpetrators bear both religious and worldly responsibility.

In conclusion, this study highlights the necessity of strengthening international mechanisms for accountability and the enforcement of justice concerning war crimes. It also demonstrates that the principles of Islamic jurisprudence can serve as an ethical and legal framework for reinforcing civilian protection in armed conflicts and mitigating the

humanitarian consequences of war. The compatibility—and, as argued in this study, the potential superiority—of Islamic jurisprudential principles in this field illustrates their significant capacity to promote justice and safeguard human dignity.

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