

**HARMONISATION OF *SHARI'AH* AND
INTERNATIONAL HUMANITARIAN LAW RULES
FOR THE PROTECTION OF PALESTINIAN
JOURNALISTS IN ARMED CONFLICTS**

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ABSTRACT

The primary aim of harmonisation is to foster harmony between *Shari'ah* and Civil law. It does not entail a complete merging of these two legal systems but rather involves reconciling certain fair differences in specific areas of *Shari'ah* and Civil law. Harmonisation becomes necessary between *Shari'ah* and international humanitarian law, particularly when there are deficiencies in international humanitarian law regarding the protection of civilians. This paper will discuss the harmonisation of *Shari'ah* and international humanitarian law rules for the protection of journalists in armed conflicts. International humanitarian law categorises journalists as civilians and establishes legal regulations to protect them, while Islamic law is similarly committed to protecting civilians during armed conflicts against any form of violation. The research methodology is doctrinal, where several *Shari'ah* and legal documents will be explored for relevant texts in achieving the objective of this paper. The findings showed that harmonisation between *Shari'ah* and international humanitarian law regarding the protection of Palestinian journalists during armed conflicts is a complex and ongoing process that demands meticulous consideration, dialogue, and cooperation. While there might be similarities and shared objectives between the two legal frameworks, differences in sources, interpretations, and enforcement mechanisms

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also exist. This paper's value lies in proposing recommendations to enhance current laws, ensuring better protection of the rights of Palestinian journalists and media professionals, and establishing effective mechanisms to penalise perpetrators of violations against journalists.

Keywords: Harmonisation, *Shari'ah*, IHL, Palestinian journalists, legal protection.

INTRODUCTION

The rules and laws governing armed conflict undoubtedly have profound historical roots. They are derived from fundamental human values that are an integral part of all the philosophies and religions of the world. *Shari'ah* and international humanitarian law (IHL) share a common goal of protecting human life and dignity, including the protection of journalists who are not taking direct part in hostilities. *Shari'ah* provides guidelines for the protection of civilians in armed conflicts, emphasising the principles of proportionality, distinction, and necessity. Similarly, IHL provides rules and principles for the protection of journalists in armed conflicts, including the prohibition of targeting journalists, the obligation to respect their status as civilians, and the duty to facilitate their work.

This study provides an overview of the harmonisation of *Shari'ah* and IHL for the protection of Palestinian journalists in armed conflict, focusing on the principles governing the use of force under Islamic law of war in the four *Sunni* schools. This study briefly discusses the sources, and characteristics of the Islamic law of war. The discussion reveals the degree of conformity between these Islamic principles and modern principles of IHL and provides insight into how harmonising *Shari'ah* and IHL law can help reduce the journalists suffering caused by armed conflicts. Additionally, it underscores the principle of the universality of rights, specifically highlighting the right to equal protection before the law, a fundamental principle governing the entire domain of international human rights law.

THE TERM OF HARMONISATION

The Arabic term for harmonisation is "*tawfiq*", which aims to bring two or more different ideas or systems into agreement or harmony with each other. In the context of legal systems like *Shari'ah* and IHL, achieving *tawfiq* or harmonisation involves finding common ground or reconciling the differences between the two systems.³⁴

Harmonisation refers to the process of bringing different legal systems, principles, or norms into alignment or agreement with each other. It involves reconciling and integrating diverse legal frameworks, rules, or practices to achieve consistency, coherence, and mutual compatibility.³⁵ The process of harmonisation often requires careful examination and analysis of the principles, values, and objectives underlying each legal system. It may involve identifying areas of compatibility, seeking common principles, or finding ways to accommodate certain aspects of one system within the framework of the other.³⁶ The harmonisation of *Shari'ah* and IHL therefore requires careful consideration, dialogue, and respect for legal pluralism. It is a complex issue that varies depending on the jurisdiction and the specific aspects of the law being considered.³⁷

It is crucial to note that IHL's harmonisation technique involves Islamic teachings. In this respect, harmonisation should not be used to make Islamic prohibitions permissible, morality should not be compromised, the Qur'an and *Sunnah* should not be

³⁴ Mohammad Hashim Kamali, "Shari'ah and Civil Law: Towards a Methodology of Harmonization," *Islamic Law and Society* 14(3), (2007): 392.

³⁵ Kidjie Saguin, and Michael Howlett. "Enhancing Policy Capacity for Better Policy Integration: Achieving the Sustainable Development Goals in a Post COVID-19 World." *Sustainability*, 14(18). (2022): 11600.

³⁶ Arthur Rosett, "Unification, Harmonization, Restatement, Codification, and Reform in International Commercial Law," *American Journal of Comparative Law*, 40(3) (1992): 683-698.

³⁷ Shanna Corner, "The Boundaries of Religion in International Human Rights Law", *Journal of Human Rights*, 21(2), (2022): 191-209.

modified, and Islamic justice and equality should not be violated. *Shari'ah's* goals, objectives, public interest, prohibiting evil tactics or pretence, and other principles may be used in this harmonisation process.

In legal literature, the concept of legal harmonisation is primarily discussed in relation to comparative law.³⁸ Harmonisation refers to particular and broad aspects of the legislation of several nations or states within a federated country in order to improve interactions between their inhabitants.³⁹

PRINCIPLES OF HARMONISATION

These guidelines are foundational in harmonisation efforts, though their precise application can vary based on specific circumstances and objectives:

i. Consistency:

Harmonisation aims to establish consistency by aligning and reconciling laws, rules, or legal frameworks. Its goal is to ensure a more uniform and predictable application of the law, resolving disputes, inconsistencies, or discrepancies that may emerge across diverse legal systems or conventions.⁴⁰

³⁸ Walter Joseph Kamba, "Comparative Law: A Theoretical Framework." *International & Comparative Law Quarterly*. 23(3), (1974): 485-519.

³⁹ Martin Boodman, "The Myth of Harmonization of Laws," *American Journal of Comparative Law*, 39(4), (1991): 699-724.

⁴⁰ Ahmad Nabil Amir, "Ahmad Ibrahim and the Islamization of Law in Malaysia." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 22(1), (2022): 159-178.

ii. Transparency:

The harmonisation process must be open and honest about its aims, objectives, and procedures. Transparency ensures there are no hidden agendas and fosters trust among involved parties.⁴¹

iii. Flexibility:

Recognising that different situations may demand distinct approaches, this principle advocates for adaptable regulations capable of accommodating diverse circumstances.⁴²

iv. Consensus:

Harmonisation seeks consensus among multiple parties or jurisdictions. Striving for agreement fosters trust and encourages collaboration, facilitating smoother harmonisation processes.⁴³

v. Proportionality:

This principle ensures that laws and regulations align with their intended objectives. They should neither be excessively burdensome nor overly restrictive but appropriately balanced to achieve their goals.⁴⁴

⁴¹ Weny Almoravid Dunga, and Awad Al-Khalaf. "Integration of Labor Law in Islamic Law and Civil Law Citizenship (Harmonization of Principles and Their Implementation in Contemporary Society)", *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo*, 15(2), (2022): 289-304.

⁴² *Ibid.*

⁴³ Salah Uddin, "International Humanitarian Law (IHL) and Islamic Law of Armed Conflict: Exploring Convergence of Rules Applicable to Armed Conflicts among Muslims." (Unpublished, PhD dissertation, University of Portsmouth, 2022).

⁴⁴ Ammar Essa Kareem et al., "Related International Legal Rules by Proportionality Principle in Humanitarian International Law." *Russian Law Journal*, 11(9), (2023).

THE IMPORTANCE OF HARMONISING SHARI'AH AND INTERNATIONAL HUMANITARIAN LAW

i. Comprehensive Protection:

Islamic law, rooted in the Qur'an and the *Sunnah* (prophetic traditions), encompasses various legal and ethical facets, notably in security and protection. Integrating *Shari'ah* and IHL allows the incorporation of additional principles into the legal system, enhancing civilian protection in armed situations.⁴⁵

ii. Enhancing Compliance with International Standards:

Harmonisation ensures the alignment of Islamic legal principles with international human rights and humanitarian standards. This alignment fosters greater compliance by states and non-state actors engaged in armed conflicts with universally accepted norms, reducing the likelihood of human rights abuses.⁴⁶

iii. Building Bridges and Dialogue:

Harmonisation initiatives enable researchers, professionals, and stakeholders from diverse legal and cultural backgrounds to engage, understand, and collaborate. Participation in this process cultivated mutual respect and comprehension, leading to collaborative solutions and shared protection of civilians during armed conflicts.⁴⁷

Hence, harmonisation must be conducted while considering the ideals of *Shari'ah* and IHL. The objective is not to supplant any legal framework but to discover synergies and complementary

⁴⁵ Md Hasnath Kabir Fahim, and Mohammad Aktarul Alam Chowdhury, "The Rise and Codification of International Humanitarian Law: Historical Evolution".

⁴⁶ Kenneth Watkin, "Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict," *American Journal of International Law*, 98(1), (2004): 1-34.

⁴⁷ Ibrahim Salama, Michael Wiener. "'Faith for Rights' in Armed Conflict: Lessons from Practice", *Journal of Human Rights Practice*, (2023): huad015.

measures to safeguard individuals in accordance with international humanitarian values.

SIMILARITIES AND DIFFERENCES OF IHL AND ISLAMIC LAW:

Similarities:

i. Protection of Human Life and Dignity:

Both IHL and Islamic law emphasise the sanctity of life and the dignity of every individual. They strive to alleviate suffering, uphold justice, and safeguard human rights and welfare, particularly in times of conflict.⁴⁸

ii. Prohibition of Unjustified Violence:

Both IHL and Islamic law prohibit unjustified violence against civilians and non-combatants. They condemn deliberate attacks on civilians, torture, and other forms of cruel and inhumane treatment.⁴⁹

iii. Principles of Necessity and Proportionality:

Both IHL and Islamic law stress the necessity and proportionality of the use of force.⁵⁰ They restrict the use of force to what is required to accomplish a lawful goal and limit the damage inflicted to the expected military gain.

iv. Protection of Property and Cultural assets:

IHL and Islamic law underscore the preservation of civilian infrastructure, cultural assets, and religious sites during armed

⁴⁸ Thangavel, V. "Protecting and Promoting Human Rights in World Scenarios: A Qualitative and Quantitative Research".

⁴⁹ Timea Spitka, *National and International Civilian Protection Strategies in the Israeli-Palestinian Conflict*, (2023): 201.

⁵⁰ Muhammad-Basheer A Ismail, "Jihad Misplaced for Terrorism: An Overview of the Boko Haram Crisis from Islamic and International Humanitarian Law Perspectives", *International Conflict and Security Law: A Research Handbook*, (2022): 1389-1419.

conflicts. Recognising their significance to communities, both prohibit their wanton destruction, looting, and deliberate targeting.⁵¹

Differences:

i. Sources and Interpretation:

IHL derives from international treaties, customary practices, and legal precedents, while Islamic law stems from the Qur'an, the *Sunnah*, and religious scholars. Legal norms and principles may vary based on sources and interpretation approaches.⁵²

ii. Religious and Cultural Context:

Islamic law is shaped by the beliefs, practices, and values of Muslim-majority nations and communities. In contrast, IHL is grounded in international law, devoid of religious precepts.⁵³

iii. Application to non-Muslims:

Islamic law primarily applies to Muslims,⁵⁴ whereas IHL extends its protections to all individuals affected by armed conflicts, irrespective of faith or nationality.⁵⁵ This difference in scope may

⁵¹ Tiberiu Horea Moldovan, "The Russian Invasion in Ukraine and Cultural Heritage Protection", *Journal of Ancient History and Archaeology*, 9(2), (2022): 231-243.

⁵² Sami Ur Rahman, et al., "The Conduct of Warfare in Islamic Law and International Law: A Comparative Study", *Pakistan Journal of Social Research*, 4(03) (2022): 815-820.

⁵³ Ahmed Al-Dawoody, and Alexandra Ortiz Signoret, "Respect for the Dead under International Law and Islamic Law in Armed Conflicts", *Anthropology of Violent Death: Theoretical Foundations for Forensic Humanitarian Action*, (2023): 219-249.

⁵⁴ Abdul Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Shariah Courts in Aceh", *Human Rights Review*, 23(2), (2022): 265-288.

⁵⁵ Katumi Oboirien, and Ogechi Oge. "Medical Ethics in International Humanitarian Law: Contemplating the Risks and Protection of Medical Personnel in Armed Conflict", (2023) Available at *SSRN 4389218*.

impact the legal safeguards and rights of non-Muslims under Islamic law and IHL.⁵⁶

iv. Differences in Legal Mechanisms:

IHL provides a comprehensive legal framework with international courts and tribunals for implementation, enforcement, and accountability.⁵⁷ Conversely, Islamic law is interpreted and applied by national legal systems and religious institutions.⁵⁸

IHL AND ITS CORE PRINCIPLES

IHL constitutes a body of laws and regulations applicable solely in situations where armed violence reaches the threshold of armed conflict, encompassing both international and non-international conflicts.⁵⁹

The primary objectives of IHL are twofold: Firstly, to safeguard individuals who are not or are no longer involved in hostilities. Secondly, to restrict the methods and means of warfare, thereby shielding civilians from the repercussions of armed hostilities.⁶⁰

The main treaty sources of IHL consist of the Hague Convention 1907, which delineates limitations on the means and

⁵⁶ Kaleem Hussain, *Peace and Reconciliation in International and Islamic Law*, (Cambridge Scholars Publishing, 2023).

⁵⁷ Sharon Hofisi, *Combating Impunity: Examining Amicus Curiae, the International Criminal Court, and Accountability for Conflict-related Sexual Violence in the Ongoing Ukraine Conflict*, (2023).

⁵⁸ Lita Tyesta Addy Listya Wardhani et al., "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems", *Cogent Social Sciences*, 8(1), (2022): 2104710.

⁵⁹ Okubor Cecil Nwachukwu, "Armed Conflict under International Humanitarian Law," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 5, (2014): 67.

⁶⁰ Nils Melzer, "International Humanitarian Law: A Comprehensive Introduction", *International Committee of the Red Cross*, (Geneva Switzerland, n.d): 17.

methodologies of warfare, and the four Geneva Conventions 1949, designed to safeguard specific vulnerable groups. These encompass individuals such as the wounded and sick within armed forces in the field, those wounded, sick, and shipwrecked among armed forces at sea, prisoners of war, and protected civilians. Notably, the Fourth Geneva Convention holds particular significance in humanitarian protection and aid. It was established to prevent the extensive suffering of civilians witnessed during the two World Wars in future conflicts. Expanding upon the realms of law covered in the Hague and Geneva Conventions, the initial two Additional Protocols to the Geneva Conventions 1977 further elaborate on the protection of civilians. These are known as Additional Protocol I, governing international armed conflict, and Additional Protocol II, governing non-international armed conflict.

IHL operates on four fundamental principles that guide its application and enforcement:

1. Humanity

This principle acknowledges the inherent dignity of every human being and aims to preserve and protect human life and dignity during armed conflicts. IHL mandates that all parties engaged in a conflict must respect and safeguard the human rights of individuals, refraining from any acts that might cause unnecessary harm to civilians, wounded or sick combatants, and other non-combatants.⁶¹

2. Distinction

Conflicting parties must consistently distinguish between combatants and civilians, as well as between military objects and civilian objects. IHL stipulates that the civilian population and

⁶¹ Viola Vincze, "The Role of Customary Principles of International Humanitarian Law in Environmental Protection," *Pecs Journal of International and European Law* 2017, (2), (2017): 27-28.

individual civilians are entitled to general protection against hazards arising from military activities.⁶² Breaching the principle of distinction, recognised in customary international law, constitutes a war crime in both international and non-international armed conflicts.⁶³

3. Precautions

The principle of distinction also necessitates the duty to prevent or, at the very least, minimise incidental deaths, injuries, and destruction of persons and objects safeguarded against direct attack.⁶⁴ Thus, IHL mandates that 'constant care shall be taken during military operations' to disable the greatest possible number of individuals. The use of arms that unnecessarily aggravate the suffering of disabled individuals or render their death inevitable is deemed contrary to the laws of humanity.⁶⁵

4. Unnecessary Suffering

IHL not only safeguards civilians from the impacts of hostilities but also prohibits or restricts means and methods of warfare that cause unnecessary suffering or excessive injury to combatants⁶⁶. Recognising such means and methods as counterproductive, IHL deems it unlawful to employ weapons, projectiles, materials, or

⁶² Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, (Geneva: International Committee of the Red Cross, 2016).

⁶³ Roma Statute, Art., 8(2), (b)(i)-(ii).

⁶⁴ Nils Melzer, *International Humanitarian Law*, 18.

⁶⁵ *Ibid*, 18-19.

⁶⁶ Emily Crawford, "The Enduring Legacy of the St Petersburg Declaration: Distinction, Military Necessity, and the Prohibition of Causing Unnecessary Suffering and Superfluous Injury in IHL," *Journal of the History of International Law*, 20(4), (December 2018): 556.

combat techniques that cause extra harm or needless suffering during conflicts.⁶⁷

THE PROTECTION OF PALESTINIAN JOURNALISTS IN ARMED CONFLICTS UNDER ISLAMIC LAW

Islamic law recognises specific situations wherein taking a life might be permissible, such as in cases of self-defence, safeguarding the community from harm, or as a penalty for certain crimes in accordance with due process. However, these instances are subject to stringent conditions and necessitate meticulous assessment within *Shari'ah's* legal framework.

According to the sources of Islamic law, engagement in battlefield combat should solely target enemy combatants, ensuring the protection of civilians, including journalists and non-combatants. Deliberate harm to civilians or non-combatants during ongoing hostilities is strictly prohibited. This principle is explicitly articulated in the verse of Surah Al-Baqarah: "*And fight in the cause of Allah those who fight against you, but do not commit aggression. Indeed, Allah does not like aggressors.*"⁶⁸ The Qur'anic interpreters assert that this verse prohibits the engagement of non-combatant adversaries and considers any assault on non-combatants, such as women and children, as an act of aggression that displeases Allah the Almighty.

Furthermore, in verse 32 of Surah Al-Maidah, Allah Almighty stipulates: "*Whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely.*"⁶⁹ This verse shows that killing a soul is equivalent to the annihilation of all of humanity, and that preserving a soul is equivalent to preserving all of humanity.

⁶⁷ Additional Protocol I, Article 35(1)-(2)

⁶⁸ Al-Qur'an, 2:190

⁶⁹ *Ibid*, 5:32.

THE METHODOLOGY OF HARMONISING *SHARI'AH* AND IHL IN RELATION TO THE PROTECTION OF JOURNALISTS IN ARMED CONFLICTS

To accomplish the harmonisation between *Shari'ah* and IHL, several approaches must be employed:

1. Comparative Analysis

One approach involves conducting a comparative analysis of the principles and provisions of *Shari'ah* and IHL concerning the protection of journalists. This entails scrutinising the similarities and discrepancies between the two legal frameworks and identifying areas amenable to harmonisation.⁷⁰

2. Interpretation and Adaptation

Another approach entails interpreting the principles of *Shari'ah* and IHL in a manner that allows for their harmonious integration. This may necessitate adapting certain elements of *Shari'ah* or IHL to ensure coherence and address any conflicts or inconsistencies that arise.⁷¹

3. Dialogue and Consultation

Engaging in dialogue and consultation among scholars and experts in *Shari'ah* and IHL holds paramount importance for harmonisation. This facilitates the exchange of ideas,

⁷⁰ Evrin Lutfika et al., "Comparative Analysis and Harmonization of Global Halal Standards", *International Journal of Halal Research*, 4(1), (2022): 29-39.

⁷¹ Nicolò Aurisano, and Peter Fantke. "Semi-automated Harmonization and Selection of Chemical Data for Risk and Impact Assessment", *Chemosphere*, 302, (2022): 134886.

perspectives, and interpretations, fostering a deeper understanding of each legal framework and pinpointing areas of convergence.⁷²

4. Customary Practices

Assessing customary practices within Muslim-majority countries and communities aids in identifying existing mechanisms or norms offering protection to journalists during armed conflicts. Aligning these practices with IHL principles ensures a comprehensive and harmonised approach.⁷³

5. Capacity Building and Awareness

Promoting capacity-building programmes and raising awareness among relevant stakeholders, including legal professionals, journalists, and military personnel, assumes significance in fostering a shared understanding of the legal frameworks and the imperative for harmonisation.⁷⁴

6. Institutional Cooperation

Encouraging cooperation among pertinent institutions, such as *Shari'ah* councils, legal authorities, international organisations, and human rights bodies, serves to facilitate the harmonisation process. This collaboration involves sharing knowledge,

⁷² Weny Almoravid Dunga, and Awad Al-Khalaf. "Integration of Labor Law in Islamic Law and Civil Law Citizenship (Harmonization of Principles and Their Implementation in Contemporary Society)", *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo*, 15(2), (2022): 289-304.

⁷³ Muhamad Hasan Sebyar et al. "Harmonization Patterns of Islamic Legal Institutions and Custom Institutions in District of Mandailing Natal", *YMER*, 22(3), (2023): 1192-1205.

⁷⁴ Larry Keener, and Tatiana Koutchma. "Capacity Building: Harmonization and Achieving Food Safety in An Era of Unilateral Legislation", in *Ensuring Global Food Safety*, (Academic Press, 2022), 489-502.

expertise, and best practices to enhance the protection of journalists in armed conflicts.⁷⁵

HARMONISATION BETWEEN *SHARI'AH* AND INTERNATIONAL HUMANITARIAN LAW REGARDING THE PROTECTION OF PALESTINIAN JOURNALISTS DURING ARMED CONFLICTS

The protection of journalists in armed conflicts is essential to ensure the free flow of information and to hold parties accountable for violations of human rights and IHL.⁷⁶ This is particularly important in the context of Palestine, where journalists have faced threats, violence, and arbitrary arrest and detention by Israeli forces.⁷⁷

However, there is a discrepancy between *Shari'ah* and IHL regarding the protection of journalists in armed conflicts, particularly in terms of the definition of a journalist and the rules for their protection.⁷⁸ While both *Shari'ah* and IHL advocate for the protection of civilians, including journalists, in times of armed

⁷⁵ Ossowska-Salamonowicz, et al., "Harmonisation of the National Laws of EU Member States and the Necessity to Amend the Polish Constitution of 2 April 1997", *Toruńskie Studia Polsko-Włoskie* (2022): 237-250.

⁷⁶ Muhammad Asif Khan et al., "Liability of the Private Military Companies for Violations of International Humanitarian Law", *Journal of Law & Social Studies (JLSS)*, 4(2), (2022): 247-251.

⁷⁷ Timea Spitka, "Palestinian National Protection Strategies and Realities", *National and International Civilian Protection Strategies in the Israeli-Palestinian Conflict*, (Cham: Springer International Publishing, 2023): 71-105.

⁷⁸ Ahmed Al-Dawoody, and Pons William I. "Protection of Persons with Disabilities in Armed Conflict under International Humanitarian Law and Islamic Law", *International Review of the Red Cross*, 105(922), (2023): 352-374.

conflict, there are differences in the specific rules and guidelines to ensure their safety.⁷⁹

To ensure the effective protection of Palestinian journalists in armed conflicts, there needs to be harmonisation between the guidelines of *Shari'ah* law and IHL rules. This can be achieved through dialogue between religious scholars and legal experts, with the aim of identifying areas of agreement and developing best practices or guidelines that can be adopted by both *Shari'ah* and IHL.⁸⁰

One key area of focus could be the definition of a journalist, which may differ between *Shari'ah* and IHL. For example, while IHL recognises journalists as civilians and affords them protection under the Geneva Conventions,⁸¹ *Shari'ah* law may not have a clear definition of what constitutes a journalist.⁸² By developing a harmonised definition, both *Shari'ah* and IHL can provide strengthened protection to journalists in armed conflicts.

Ultimately, the harmonisation of *Shari'ah* and IHL rules for the protection of Palestinian journalists in armed conflicts can strengthen protections for journalists, ensure accountability for violations, and uphold the right to freedom of expression, even in times of conflict.

⁷⁹ Muhammad Yuanda Zara, "Muhammadiyah's Views and Actions on the Protection of Civilians during the Japanese Invasion of the Netherlands Indies, 1941-1942." *Al-Jami'ah: Journal of Islamic Studies*, 60(1), (2022): 91-130.

⁸⁰ Rimona Afana. "The Occupation-colonialism Continuum: Impact on Transitional Justice in Palestine/Israel", in *Prolonged Occupation and International Law*, (Brill Nijhoff, 2023), 133-158.

⁸¹ Yordan Gunawan et al., "Journalist Protection on the Battlefield Under the International Humanitarian Law: Russia-Ukraine War." *Jurnal Hukum*, 39(1), (2023): 1-11.

⁸² Datuk Imam Marzuki, and Mohd Hasbi, "Journalist Philosophy: Binding the Norms of Islamic Law." *Konfrontasi: Jurnal Kultural, Ekonomi dan Perubahan Sosial*, 9(2), (2022): 206-215.

CONCLUSION

Harmonisation between IHL and Islamic law is a complex and ongoing process that demands meticulous consideration, dialogue, and cooperation. While there might be similarities and shared objectives between the two legal frameworks, differences in sources, interpretations, and enforcement mechanisms also exist. The impact of harmonisation efforts can vary, contingent upon the specific areas addressed and the level of implementation and enforcement.

This paper recommends the following:

1. **Strengthen Accountability Mechanisms:** Harmonisation efforts should focus on bolstering accountability mechanisms for violations of journalists' rights and safety during armed conflicts. This entails enhancing investigation processes, ensuring fair trials, and holding perpetrators accountable for attacks or abuses against journalists.
2. **Increase Journalist Legal Protections:** Harmonisation should augment legal protections for journalists by amalgamating applicable principles from both legal regimes. This could encompass rules safeguarding journalists from arbitrary arrest, custody, or prosecution and ensuring fair treatment if suspected of misconduct.
3. **Engage a Spectrum of Stakeholders:** It is necessary to involve legal experts, religious academics, journalists, officials from Muslim-majority countries, international organisations, and civil society groups. This engagement facilitates a productive discourse, enabling the comprehension of diverse opinions, resolution of issues, and identification of areas of consensus.
4. **Integration into Legal Frameworks:** It is essential to incorporate IHL and Islamic law principles into local laws, regional agreements, and international treaties to harmonise legal requirements. This may necessitate amending existing laws, enacting new legislation, or drafting guidelines representing agreed ideals and addressing concerns regarding journalist protection.

5. **Incorporate Relevant Islamic Legal Principles:** It is necessary to identify and integrate pertinent Islamic legal principles aligned with journalist protection. Islamic law values freedom of expression, truth-seeking, and justice, which can fortify the legal framework for safeguarding journalists in armed conflicts.

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