

## **The position of Islamic law on environmental sustainability "Analytical scientific study"**

**Dr. Gabir Eid Al - Wanda**

**Director General of Kuwait Society for Cultural Communication**

**Deputy Director General of Al Najat Charitable Society**

[masrlive@hotmail.com](mailto:masrlive@hotmail.com)

[malsagher@alnajat.com.kw](mailto:malsagher@alnajat.com.kw)

### **Research summary:**

This research is dealing with the role of Islamic legalization in introducing scientific solutions and initiatives to face the environmental causes to realize the 17 goals of the sustainability progress that was announced by the united nation.

Through this search we will explain 3 main points:

How the Islamic law considers the environment, then the contemporary environmental causes, explaining the most prominent ones which are the drain of the natural resources, pollution, chemical disasters, desertification, energy, atomic radiations then finally we clarify the attitude of the Islamic legalization from the environmental causes and the tools and means to achieve the environmental sustainability. We introduced at this research scientific visions and applications for the Islamic law in the field of environment and it's applications to limit the environmental deterioration and the resources drain to be a model to be followed in solving the environmental problems, aiming to activate the role of the religious and scientific institutions to perform their rules in maintaining the environment and introducing suitable solutions to the environmental problems.

### **Key words:**

Role of the Islamic legalization- to face the environmental causes and problems- achieve the goals of sustainable progress.

### **Introduction:**

Environmental sustainability is a modern expression which conferences, seminars and discussions were held for it at many national and international areas, many voices were raised demanding to protect the environment and find the appropriate means and tools to limit the drain of the environmental resources due to irresponsible actions that led to shortage in such resources, in addition to harmful practices to the environment, pollutants and other harms which represent a threat to human existence and health.

Afterwards we had to turn to Environmental sustainability to retain the environmental balance by revising the policies and strategies related to it, reformulating them according to the economical, social and environmental goals and specifications which reflect on achieving Environmental sustainability and contributing in maintaining the natural resources.

As a part of the treatment came the Islamic legalization with many means to protect the environment whether theoretical or practical, the law came with many environmental morals linked to the dogma and afterlife that order the human to hold on to it to keep the environment and it's beauty, making that a good deed that earns for him reward in life and after life.

Also the applied part, the law cared about the various environmental elements, humans, plants, animals, air and earth, where it made the human is the successor for god on earth. God said (he created you from earth and colonized you in it). This colonization includes everything

that benefit the human on earth and reflect their effects on society, the prophet Mohamed said: (whoever revives a dead land, it's his) also said: ( if the judgment day came and you have a seed in your hand, if you could plant it first, then do it).

The Islamic legalization added a group of organizing procedures to protect the environment and maintain it, imposing for that a punch of laws that regulate the environmental resources and specify the points of their use, which helped to realize Environmental sustainability in Muslims' societies.

### **The research problem:**

The industrial revolution was a good thing that happened to human, where it caused a scientific renaissance that included many life aspects, and had a huge impact on economical, social and political life.

But this revolution had a negative effect where it affected human life and environment and consumed the material resources, became the reason for the deterioration of many aspects of environmental life, resulted in that 13 million persons live in unhealthy environment due to work, and the death of over than half a million Arabs per year by being subjected to unhealthy circumstances- according to the global health organization statistics.

While natural disasters cause the death of 40 million persons per year, the global health organization estimated the victims of natural disasters could multiply during the coming 50 years due to climate changes.

The international community tried to stand against the environmental problems that varied and multiplied with the huge progress in modern science and technology, applying policies and strategies to achieve environmental sustainability that reduce the dangers that humans are subjected to, in addition to international agreements that face the environmental challenges.

Despite all of that, the danger is still standing. At this paper we will introduce as a part of the data and the solutions of the environmental problems an answer to a very important question which is: what is the status of the Islamic legalization from environment and it's causes? What are the most prominent causes that the environment faces? What are the means and mechanisms of the Islamic laws in treating those causes?

### **The research goals:**

- Explaining the role of the Islamic legalization and it's ability to treat the environmental causes and forms the human environmental conscious.
- Clarifying the morals, values and behaviors that the legalizations showed as a part of the theoretical treatment of the environmental problems.
- Introducing scientific and practical applications around the methods of maintaining and caring about the environment.
- Clarifying the most significant environmental rules, their problems and the environmental risks that face the human and threaten his survival.
- Benefiting from the scientific experiences of the jurists in introducing solutions to the environmental problems.
- Enhancing the concept of the social responsibility through participation of the religious institutions in finding suitable solutions for the environmental causes.
- Showing the intellectual rules that Islam relied on to maintain and care for the environment.

**The study significance:**

1- The scientific significance:

- a- Handling one of the most important issues that the society faces which are the environmental causes.
- b- Adjust and change the behavior and value of the individual towards environment, maintaining it and finding solutions to it's problems.
- c- Enrich the analytical studies of the environmental issues, to realize results that benefit in achieving the sustainable progress goals.
- d- Link the theoretical and the practical sides of the Islamic legalization with the environmental side under the spot light of the sustainable progress goals.

2- The subjective, scientific significance:

- a- Adopt policies and strategies that aim to keep the environment and realize it's sustainability which reflects on environment and human health.
- b- Reach goals and aims of sustainable progress by benefiting from the Islamic legalization laws towards the environment and the necessity of maintaining and investing it.
- c- Benefit from the religious institutions in achieving the goals and aims of the sustainable progress.
- d- Utilize the legalization laws in serving the environment causes and find the suitable solutions for them.

**The study methodology:**

Several methodologies will be used to serve it's various sides, the most important ones are:

**a- The inductive methodology:**

Through many scientific resources (books- references) that are specialized in the field of this paper in the various aspects that are contained in the environment concept in the Islamic legalization and it's link to the sustainable progress and it's reflection on it's sustainability, moving from the part to the whole, from private to public.

**b- Historical methodology:**

Where the scientific material of the Islamic legalization laws about environment will be traced in multiple historical sources.

**c- The hypothetical methodology:**

Where the link between the introduction, the subject and the end, hence deduction of the most significant results.

**The components of the sustainable progress:****Through the previous concepts the sustainable progress is combined of:**

- 1- Developing the needs of the current generation with taking into consideration the coming generations.
- 2- Protect the environment and not to pollute it.
- 3- Not to drain the natural resources and use them in rational ways.
- 4- Realize the matching and balance among environment, population and nature.

**The first search: how the Islamic legalization considers the environment:**

Environment is considered in Islam that god is it's creator and placed it's rules, organized it's issues and kept it. Invited us to think and meditate in it's signs as it is the witness of his

holiness and creativity. God said” we stretched earth and put anchors and planted everything in it in balance”. Balance requires that everything is to be with known amount to achieve environmental balance as Islam is a median religion of moderation.

The second search: contemporary environmental issues and causes.

There is an exchange relationship between human and environment since the beginning of creation, where each of them is affecting the other, human since his foot stepped on earth, the environment has been giving him goods that satisfy his desires and needs, with the increase of number of population on planet earth, the beginning of the environmental causes have appeared in the horizon which evolve day after day, till it became like a snow ball the more it rolls the bigger it gets. So the pressure increased on natural environment consuming it's materialistic resources, and the environmental balance were misfired, the pollution evolved with all it's forms and images beside the climate changes and natural issues and disasters.

### **The most prominent environmental issues and causes:**

#### **The drain of the natural resources:**

God created earth and blessed it with resources on it's surface and depth, so were the fortunes and metallic resources like oil, metals, water, etc. since the beginning of humanity till now the human's consumption of those resources increases especially after the industrial revolution and the massive progress the earth witnessed during the last decades which led to it's drainage and consuming.

#### **Pollution:**

The environmental pollution means the existence of a strange material in the environment component that turns it to be unusable or limits it's use, the environmental pollution occurs when the added materials change the elements that form the environment or change their ratios or harm the creatures that live inside it, a defect in the general, regional or local ecosystem occurs, pollution happens due to multiple humanitarian and natural factors that lead to change in the air, animal, botanic and aquatic environment.

That pollution led to defect in the environmental balance and the appearance of corruption in land, air and see, the danger of this pollution that it passes the borders, it doesn't stay at the place where it happens, it crosses to the near areas and countries not like the misuse or the resources drain.

That pollution has many forms, environmental pollution, air, water, soil, voice and radiation pollution.

#### **Environmental catastrophes:**

Is an accident resulting from natural factor or human action, that results in a huge damage to the environment, that to face it you need potentials that exceed the local capabilities, which results in the collapse of the environmental balance, some of those catastrophes what is called: oil catastrophe, like the leakage of petroleum materials into sees and oceans or chemical catastrophes like the leakage of chemical and toxic materials from factories, or nuclear catastrophes which are the radiations coming out of the nuclear reactors. And other disasters.

#### **Desertification:**

It is one of our contemporary world significant problem, especially in the dry and semi dry habitats also the semi wet that have fragile ecosystems with high level of sensitivity to any human activity pressure on the vital environmental elements, it is sad that this problem started

to include also some wet areas. Desertification is a modern expression to express the problem of shortage and deterioration of the biological capabilities of the environment, which is known to be intensification and deepening of the dry conditions through deterioration in the biological energy of the environment which reduces it's ability to support the agricultural lands( planting, forests, grazing) in a normal way, in other definition, it is the pushing and of the budging of the rural uses and stepping them behind their safe lines, to be in secondary areas that their biological capabilities don't qualify them to tolerate the pressure of such use in a constant way.

### **The third search:**

The Islamic legalization attitude of the environmental causes and the tools and means to achieve environmental sustainability.

Islam has put the general frame to protect the environment from a total view of it and it's sides and ingredients, that is launching from a dogmatic dimension that is linked to belief in god and his obedience, then in values and the behavior that the Islamic laws came with as a parenting and guiding curriculum, then finally the rules and judges as a practical legalizing methodology towards the environment as the following:

First: the dogmatic view in the Islamic legalization towards the environment:

Islam considers environment as mentioned in the first search as the creativity of the creator and perfecting his work and invited us to meditate the creation of the universe from sea, water, air, sky, land, sun and moon.

Second: the Islamic laws came with as a parenting and guiding curriculum:

Islam is full of parenting values that allow to protect the environment, invest it the best investment, and gave an example of in caring and keeping it's basic natural elements staying away from misuse, we will mention a few values that Islam brought that are considered a model to maintain the environment and benefit from it's resources as god wanted us to.

The value of rationalization: Islam invited us to keep the energy and rationalize it's consumption, it ordered us to watch and protect of any harm that could reach the human or whatever around him, the proof is the prophet said" turn off the lights at night if you lay down, shut your doors and ferment food and beverages".

In the field of the aquatic resources he invited us to rationalize the use of the aquatic resources and not to exaggerate in their use so it doesn't lead to their shortage and rareness, the prophet used to wash with limited amount of water.

**Mediation and moderation:** Islam is the religion of Mediation and moderation, no exaggeration, it allowed us to benefit the goods of nature and use it's resources and prevented the misuse and consumption of them. God said" those who spend without exaggeration or sparing those are the substratum".

Fixing the habitat and developing it to realize an environmental balance:

Islam encouraged the development of the habitat by planting and seeding and related that to huge rewards, the prophet said" no Muslim who dig for a seed or plant a plant so a bird, human or animal eats from it, he gains alms for that".

**Protecting the botanic habitat:**

Ancient Muslims cared about protecting air from pollution, among its types, smoke pollution, bad odors pollution and noise pollution, jurists knew that all types of smoke are harmful and they mentioned; furnaces and bathrooms smoke, which shows their environmental awareness and how they cared about protecting the environment from the danger of smoke pollution, they relied on a watcher to monitor the smoke and prevent it from happening aside to his other mission of watching prices, balances and markets.

Third: the legalization laws in dealing with the environment and its ingredients:

Islam has set a group of dogmatic rules and legalization laws to deal with the environment by what can keep and maintain it from ruining it as follows:

Things with their intentions: things here mean all the good things that are rewarded for or being punished or blamed for them, they include: duty, forbidden, hated and allowed, the allowed actions which don't mean to harm the environment are considered good deeds, if some unintentional harm happened, it must be stopped whenever it is discovered,

No harm or damage: Islam ordered us to care about the environment and keep it, it forbade to harm or assault it, making the maintenance of those ingredients a legal duty.

**Recommendations:**

We are in a bad need for the Islamic legalization to introduce solutions for the environmental causes that were hard to solve for decades, what it represents from concepts, cautions, rules and moral values which are related to the environment are sufficient to solve the behavioral and legalization issues the communities are suffering from as related to the habitats.

So at the end of the paper we recommend the following:

- Study all what is related to the environment in Islam, using it to adjust the individual and group behavior towards it to limit its deterioration and keeping it from draining.
- Benefiting from the legalization laws for the Islamic dogma in committing the individuals to the positive behavior towards the environment.
- Activating the role of centers for researches, studies and universities to prepare specialized studies in the field of environment and treating its various causes of chemical or radiation pollution, desertification, drain of the resources and other causes.
- Benefiting from the legalization solutions to introduce solutions to the causes and issues of the environment like pollution and desertification.
- Documenting the links among ministries of religion and ministries of environment in the Arabian countries for making common initiatives that originate the Islamic intellect towards the environment and solve its causes.
- Put a strategy plan to include the Islamic environmental concepts in the educational curriculum.
- Hold international conferences, gatherings and intellectual Islamic seminars involved in environment and the ways to keep it.
- Form a common Islamic environmental association among the Islamic countries that can activate the common work to solve the environmental causes according to the Islamic concepts.
- Make international agreements among Islamic countries and other countries in the field of environment.

- Spread awareness with the importance of keeping the environment and introduce an Islamic vision in the environmental field, using the media and the modern means.
- Activate the role of the civilian community organization and include the environmental causes in their priorities and charity and humanitarian projects.

### References:

1. Zarqa, Mustafa Ahmed, the general jurisprudence, Dar Al-Qalam, Damascus, 1998, Dar al-Bashir, Part I, p. 48.
2. Developers, names, activities of youth and their relationship to environmental protection - a study on the role of youth in the state of the valley, Master Thesis, Algeria, 2009-2010, Mohammed Khudair University Biskra, Chapter III, p. 6/75.
3. Kassem, Khaled Mustafa, Department of Environment and Sustainable Development under Contemporary Globalization, League of Arab States, Cairo, 2007, p. 19.
4. Ibid., P. 19.
5. Al-Ahideb, Ibrahim bin Salman, Human and the Environment .. Problems and solutions, Riyadh, 1, p.
6. Abd Al-Bade'i, Muhammad, The Economics of Environmental Protection, Egypt, Ameen Printing House, 2003, p. 59.
7. Ibid., Pp. 59-60.
8. Tahoun, Salah Ahmed, Desertification and Land Use in Heliopolis, The Academic Library, 1, 2010, p. 215.
9. Human and Environmental Problems and Solutions, op. Cit., P. 49.
10. Abu Al-Atta, Jihad, Health Aspects of Environmental Disasters, 3rd Annual Conference on Crisis and Disaster Management, Cairo, Ain Shams University, 1998, p.
11. Youth activities and their relation to the protection of the environment - A study on the role of young people in the Wilayat of the valley, Master Thesis, previous reference, p. 46/75.
12. Al-Kilani, Sri Zaid, Environmental Care Measures in Islamic Shariah, Dirasat Journal, Shari'a and Law Studies, Vol 41, No.2, 2014, 1217.
13. Ibid., P. 1217.
14. Khair Abadi, Muhammad Abu Al-Layth; Ibrahim, Essam Tijani Muhammad, Revelation and Science in the 21st Century, International Islamic University Malaysia, 1, 2015, p.
15. Environmental Care Measures in Islamic Shariah, op. Cit., P. 1220.
16. Revelation and Science in the 21st Century, op. Cit., P. 35.
17. Revelation and Science in the 21st Century, op. Cit., P. 33.
18. Al-Kilani, Sri Zaid, Environmental Care Measures in Islamic Law, op. Cit., P. 1221.
19. Jabouri, Salman Abboud Yahya, jurisprudential rule no harm or harm and its impact on the protection of the environment, published research, University of Diyala, Faculty of Islamic Sciences, Iraq, p.
20. Journal of Legal Judgments, M 21, Part I, p. 23.
21. Haider, Ali; Rulers of the Rulers Explanation of the Journal of Judgments, Volume I, Dar Alam Books, Publishing, Publishing and Distribution, Riyadh, 2003, Article 22 to Article 33, pp. 38-42.
22. Al-Menshaw, Muhammad Ahmed; Criminal Liability and Punitive Policy in the Offenses of Pollution of the Marine Environment, Law and Economics Library, Riyadh, 1, 2014, p. 84.
23. Ismail, Muhammad Bakr, op. Cit., P. 260, 261.