

Identifying Islamic Objectives' Frameworks for Ecology System in Saudi Arabia

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Abstract

Environmental preservation because of appalling environmental degradation has become the concern of all the countries. This paper will examine Islamic objectives system for the Saudi environment through three imperative perspectives, which are, relationship between humankind and the environment, the effect of this categorization on the Saudi ecosystem and, finally, the reflection of such impact on Saudi judicial decisions. By applying thematic analysis, this article will be able to extract vital standards and legal applications to rebalance the relationship between humankind and the environment in light of Islamic supreme objectives. The study has found a gap in terms of the theory and practice regarding protection of the ecosystem in the Kingdom of Saudi Arabia. My contribution will be not only narrating the historical narratives but aim to examine the epistemological and aesthetic frameworks of protecting the environment and the implementation of carrot and stick approach in relation to criminal offenses. The paper is, furthermore, prepared based on secondary data such as books, articles, different national and international reports, and acts. I will extrapolate the Saudi law and Islamic sources concerning the significance of preservation of the ecology.

Keywords: *Saudi Arabia, Ecology system, Islamic law.*

Introduction

Environmental problems and depletion of resources are of great concerns to the world. Moreover, the industrialized countries have come to the realization that the environmental destruction, which occurs anywhere on the surface of this planet, affects in one way or another the quality of life in

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the world. Numerous seminars and conferences have been held to address the growing environmental challenges in the world. Further, political parties in industrialized countries, called "green parties", have been established to defend the environment and address those destructive tools to the ecological components on earth, such as nuclear waste, pollution of all kinds, pesticide use and other things. Taher and Hajjar (2014) wrote, "Available statistics suggest that more than 30% of the world's population still cannot find clean drinking water and around 50% live in areas that lack proper sewage facilities". Therefore, if industrialized countries, with their renewable and multi-species natural resources, have realized that human greed in resource exploitation should be restrained, states and people living in dry areas with limited and non-renewable resources, such as Saudi Arabia, need such awareness and firm management to conserve their resources.

To explain this more, my grandfather Alotaibi (2000) once told me, that they used to have beautiful wildlife in Saudi Arabia; they used to have hares, wolves, and hyenas. However, due to excessive hunting activities, without any regard for religious/Islamic regulations regarding ecological system they lost most of the beauty of flora and fauna. Despite the arid nature of the Saudi weather, wild animals and some species are in danger of being subject to random hunting. For instance, few hyenas, wolves, and wild cats, which still existed in Wadi Turabah in Arabian Peninsula, were subject to sever hunting and extinction. Alsulaiman (2011), a professional hunter, argued that they mutilated those wild animals for the following reasons. First, those wild animals had regularly attacked their sheep and, thus, they deserved sever mutilation. Secondly, crucifying wild animals can be considered as a sign of power among certain Arab tribes. Finally, crucifying those animals could warn their colleagues of wild animals that they can be mutilated in the same manner. Unfortunately, those mutilator hunters did not think that animals do not have minds to think like humans. Therefore, animals would not be admonished if they saw those crucified animals. Alsharif (2015) emphasizes that the technological revolution, the rapid growth in urbanization, and the continuous expansion of the population in the Kingdom of Saudi Arabia have resulted in an increase in the quantities of pollutants and industrial wastes, which pose grave dangers to humans and the environment in which they live.

Animals, plants, and other ecological components are in absolute need to be protected in light of epistemological and aesthetic frameworks. It is well

known that "a rule in Saudi Arabia derives its authority from Quran and Sunnah of the Messenger. They are the primary sources of all state systems". In fact, this is evident in articles 1, 6 and 7 of the Saudi constitutional law. For instance, Article 1 concentrates that "Saudi Arabia is an Islamic state, fully sovereign, its religion is Islam, and its constitution is the book of Allah and the Sunnah of His Messenger". Therefore, we can find some divine texts within Quran and Sunnah yet deducing epistemological and aesthetic frameworks from them still somewhat not explored. In the following verses and narrations, one can draw some epistemological and aesthetic frameworks for the Saudi ecological system. Taher and Hajjar (2014) reported that Saudi Arabia, on the other hand, has recently viewed these environmental problems as being specifically linked to paradigm changes in the existence and composition of its oil wealth. This will indeed have significant consequences for potential government income, foreign exchange, and long-term development and economic growth in the Kingdom.

Quran (2:30-32) stated that "when your Lord said to the angels: I am placing a successor on earth. They said: will you place in it someone who will cause corruption in it and shed blood, while we declare your praises and sanctify you?" He said: I know what you do not know. And He taught Adam the names, all of them; then He presented them to the angels, and said: tell Me the names of these, if you are sincere. They said: glory be to You. We have no knowledge except what You have taught us. It is You Who are the knowledgeable and the wise". Commenting on this verse, Abu Sway (1998) claimed that we can clearly see that human being in his relationship with the environment is basically based on vicegerency (i.e., *Khilafah*) and this vicegerency is declared before the creation of the first human being Adam. This means that human being is viewed as the trustee of the ecology e.g., the earth. Therefore, not to cause any corruption in any form to the environment. Although, that vicegerency necessitates accountability and, thus, followed by either reward or punishment. For instance, Quran (6:165) reported, "the Lord has made you successors on the earth and raised some of you in ranks over others in order to test you through what He has given you. Your Lord is quick in retribution, and He is forgiving and merciful". Unfortunately, in some situations, this relationship between human beings and the environment is still not positive. One reason for this could be that this relation might be based on human desires rather than Devin orders, which can lead to destruction of our ecological system.

The ecological system in its relationship with human being needs more clarifications. One can argue that vicegerency is not enough since we can obviously see that the Lord has made many of our environmental components to serve humanity. Quran (45:13) declares, "He placed at your service whatever is in the heavens and whatever is on earth—all is from Him. In that are signs for a people who think". There are also many verses, which indicate this type of relationship (i.e., subjection/*Taskhīr*) between human and the environment. However, this function of subjection is criticized by two things. First, this subjection is deemed contemporary (i.e., not permanent). Quran (13:2) says "... He regulated the sun and the moon; each runs for a specified period. He explains the signs, that you may be certain of the meeting with your Lord". Secondly, the Quran declared many times that all environmental components are created to worship Allah, yet Quran revealed that in other places that these environmental components are to serve human beings. So, how can we balance between these two contradictory views? This paper will investigate these critiques and discover environmental framework of the Saudi Islamic system. Nomanul Haq (2001) argued that Humanity's supremacy is not based on having more strength, influence, or authority than all living creatures; rather, it is driven by the fact that it is accountable to God in a way that no other being is. The trust (*Al-amāna*) that human beings embraced at their transcendental origin gives rise to this accountability. It should be noted that this *Amana* implies a type of universal trusteeship, and this interpretation is not in any way disrespectful to the Quranic principle of credibility: "We did give the trust to the Heavens, the Earth, and the Mountains, but they declined to take it because they were afraid of it. However, it was carried by a human being: "Ho! Humankind is cruel to itself and foolish".

Within the Saudi environmental system, not all the human activities are destructive to the environment. For example, Saudi government has made many positive and serious efforts to maintain good and healthy ecological system. In addition, Saudi Arabia has passed and joined international treaties, which consider the crucial role of the environment. For example, the National Commission for Wildlife Conservation and Development (1986), Protected Area System (1995), Forest System (1978), Animal hunting system (1978), International Islamic Declaration on Sustainable Development (1986), Muslim Declaration on Nature (1986). Despite recent efforts to provide a more synthesized regulatory structure for addressing the Kingdom's environmental issues under the auspices of the Presidency of Meteorology and Environment (PME), most of the environmental

policies highlighted in the diverse development plans suffer from implementation problems. Taher and Hajjar (2014) argued that, obviously, the existing national environmental regulatory system appears to have many holes, and the activities of the different agencies involved in environmental policy are extremely diverse and lack proper cooperation. Notwithstanding, the introduction of environmental conservation into the Kingdom's constitutional Law was new development, occurring after the Royal Decree No. A/91 issued on 1/3/1992. 'The Kingdom shall strive to conserve, protect, and enhance the environment, and to prevent its pollution,' according to Article 32 of the Constitutional law. Yet, it required nearly a decade for the General Environment Law (GEL), a national legislative mechanism for ecological policy, to be adopted by Royal Decree M/34 of 15 October 2001, following a Council of Ministers Resolution No. 193.

These efforts can be seen as another corner of the relationship between human being and the ecological system, that is, inhabitation (i.e., *I'mār*). To clarify, inhabitation includes any good activity, which makes life on earth more thriving. Quran (11:61) indicated this type of relationship when it said "And to Thamood, their brother Saleh. He said, O my people worship God, you have no god other than Him. He initiated you from the earth and settled you therein. So, seek His forgiveness and repent to Him". Notwithstanding, Abu Sway (1998) restricted this concept of inhabitation to be beneficial. He continued to blame capitalists for their destructive activities such as increasing tobacco industries on earth. Alqaradawi (2000), a prominent Islamic Sheikh, argued that tobacco has physical, psychological, and economical harms, and thus, it should be illegalized so that people and governments save their money and lives. I claim that there could be misunderstanding in balancing between the principle of inhabitation and some supposed destructive activities such as cutting some trees from the highways. While destructive activities might be seen, in theory, as harmful to the environment according to Alqaradawi (2000), one can argue it is not such as removing the harmful components of the environment. This is in fact the reason why Islam encouraged people to take care of the ecology (i.e., as it is an act of worshipping God, so it is not for the environment itself).

The paper will particularly focus on addressing the epistemological and aesthetic frameworks for Islamic ecological system in Saudi Arabia. It will, therefore, discover the categories of the relationships between ecology and

human being. Furthermore, it will examine this crucial theme via original resources for the Saudi constitutional law, namely, Quran and Sunnah. In addition, it will supply some environmental applications (i.e., judicial rules pertain to ecology) from the Collection of Judicial Rules, organized by the High Supreme Council in Saudi Arabia. It is to this point that the research turns to the literature review and methodological approach used to conduct this research.

1. Literature Review and Methodological Approach

While some researches such as Alshalash (2009), Alabbadi (2010) examined ecological system in Saudi Arabia in terms of historical procedures only (e.g., how it was evolved etc.), few others appeared without academic approaches to examine Saudi ecological system in a thematic manner. For example, these few researches can generally be classified under one cluster, that is, newspaper articles. Unfortunately, these typologies were insufficient to critically discover and address epistemological and aesthetic frameworks for Islamic ecological system in Arabia. For instance, whether classifying the relationship between humankind and the environment or not, what impact does this relation have upon different environmental components in Saudi such as humans, animals, earth and so on. Some scholars emphasized the role of religions and religious scholars, especially Islam, in combating destruction of environmental components. For instance, religious scholars have made bold statements regarding religion's ability to counter human-caused environmental pollution e.g. Hitzhusen & Tucker (2013), Posas (2007). Moreover, Jenkins (2009), Watson & Kochore (2012) argued that various reasons for such importance, one may argue that Religions shape the worldviews and moral attitudes of their adherents and how they approach nature. Further, religions influence people's worldviews and ethical principles, as well as how they treat nature. Faith leaders and institutions frequently have a high level of trustworthiness. They have a strong voice in national debates and, as a result, can influence decision-making process across various networks, let alone other facts that some of those religious bodies have massive supports either financially or politically. As a result, researchers have emphasized religion's improved implementation in facilitating transformations toward more environmentally friendly communities and protecting the environment.

Islam (2015) argued that the concerns about animal welfare and the defence of animal rights have grown in the context of the environmentalism discourse, and mostly evolved in the West. Although, a newly established Islamic environmental perspective based on traditional Islamic teachings challenges contemporary environmentalism's 'Western' dominance, implying that Islamic traditions have something to say about ecological concerns. The Islamic environmental perspective acknowledges that many decades ago, Islamic teachings placed a heavy emphasis on animal protection and animal rights. Koehrsen et al (2021) wrote that according to his findings, Muslims have different perspectives on climate change. Muslims have developed various approaches to climate science based on their interpretations of Islam. A small group of Muslim environmentalists participates in community advocacy to increase awareness about climate change, aims to minimize carbon emissions through sociotechnical transition initiatives, and advocates for environmental justice. However, it is unclear to what degree these actions result in wider shifts in Muslim cultures. Thus, this is one assumption that the previous literature was insufficient, and the reasons will follow up now. It should be noted, however, that there are general articles about ecological systems in Islam and other religions, yet no one connected this to the Saudi context.

For this, I assume that ambiguity existed in defining some essential concepts related to the environment has already resulted in reactions toward some ecological issues (e.g., epistemological, and aesthetic frameworks). This means ignoring the reformative calls for establishing epistemological and aesthetic frameworks for Islamic ecology in more professional style and content. This professional way does mean that we should parallelly look at both theoretical and practical sides to achieve what we are now planning for. Unfortunately, during my critical reading through the literature I could not find any researcher who followed this method i.e., combining or supporting theory with reality and this is my third assumption. Thus, this paper has already started off by discussing and analysing some important verses which assumingly contain epistemological and aesthetic frameworks for Islamic ecology. After that, we will move on to analyse main debates, ideas in a thematic way. This discussion for the main ideas or arguments will be divided according to subsections to represent the positive efforts made by Saudi government in certain ecological aspects.

For example, their contributions to the welfare of human being, animals, lands, air, and water. Taylor (2010) reported that literature review is not to prove the main points as this function (i.e., proofs) shall be in the paper body, yet literature is for developing, building our understanding of a theme, concentrating our knowledge, and updating the readers of what has been done. Unfortunately, the descriptive methodology, used by previous literature, does not assist in improving the situation for environmental rights as it just simply listed what others say about the situation. However, this study aims to combine between theory and reality; this certainly requires me to prove my claims on identifying epistemological and aesthetic frameworks for Islamic ecological system in Saudi Arabia. As a result, this paper will supply to our knowledge a unique thematic study. This means breaking the topic down into three main domains (i.e., classification of the relationship between humankind and the ecological system, Impact of aforementioned categorization on the Saudi ecology system and Islamic applications on ecosystem in Saudi Arabia). Moreover, those main domains will be backed up with empirical data from the Collection of Judicial Rules, organized by the High Supreme Council in Saudi Arabia. These is to examine the extent to which the role of the Saudi Islamic courts identifies the importance of the environment. The paper will be divided into the following principal sections; 1) classification of the relationship between humankind and the ecological system and 2) the impact of this categorization on the Saudi ecological system. 3) Islamic applications on ecosystem in Saudi Arabia. Obvious to see the benefit of such themes' breakdown since that the reader of this paper will find it easy to, first, take an overview of the relation's types between human and environment from an Islamic viewpoint. After that, measures or evaluates the impact of the classification on Saudi ecosystem to reflect upon selected Islamic judicial applications. I will not forget to state that almost all Quran verses are taken from Itani, T. 2016. Home page. Clear Quran. [Online], which is available at: <http://www.clearquran.com/>. Let us move now to discuss our topic in depth.

2. Classification of the Relationship between Humankind and the Ecological System.

The global environmental reality and its deterioration confirms that man was not an honest guardian of this environment, as he pollutes land, sky, and water with pollutants of all kinds, chemical, radiative, industrial, and other types. In addition, humankind throws their wastes in oceans and seas.

This, indeed, causes the elimination of beautiful animals and birds, green farms, and the rich groves to make these lovely creations targets for the human's interests and desires to achieve luxury, material profit and industrial progress at their expense. Consequently, this injustice against it heralds catastrophic consequences on this land and on its inhabitants (Alshalash/2009). These consequences can be evident through the fact that ecology and human are connected through unique relationship, and this can be discovered as follows:

Humankind's relationship with environment and universe appears in two ways: First: humankind can be seen as the successor of God on earth, and, hence, humankind is charged with investing and using the land. Moreover, the environment is devoted to serving humankind as Quran (1:30) stated that (Lord said to the angels: "I am placing a successor on earth"). This verse necessarily corresponds to this first category of relationship and so requires a duty to preserve the resources and goodness on earth. Secondly: the universe can be considered as a vast field of reflection and contemplation to reach the knowledge of the Creator of the universe. This relationship is what the verse (45:13) referred to: "He placed at your service whatever is in the heavens and whatever is on earth—all is from Him. In that are signs for a people who think". Moreover, God commanded Noah to carry those creatures with him on the ship to protect them of extinction. Therefore, humankind entrusted with caring for his environment, animal, trees, plants, water, etc., and these creatures are deemed part of the concept of human being on the ground, as Islam forbade vandalism and corruption in its surrounding environment, because of the threat to its stability and permanence.

The Saudi ecosystem has made sure that the environment is free from harms that may affect the ecosystem. For the environment to remain beautiful, Islam has legislated some of the rules that contribute to this. This can be discovered from deducing some rules from Islamic objectives in preserving the five essentials, which are belief, life, intellect, family, and property as follows; First, fighting desertification, by urging the reconstruction, revival, reclamation, and afforestation of the land so that it would not remain barren. Secondly, urging the idea of farming so that the land does not remain empty land no one can benefit from. The Prophet Muhammad treated Khyber's people as part of the fruits or crops that came out of Khyber land will be for its inhabitants. Furthermore, the Sunnah forbade cutting down trees without justification, because cutting trees may

affect the beauty of the environment on the one hand, and depriving people and animals of benefiting from it on the other. "Do not cut the trees, because it is a shelter for livestock in the wilderness."

Thirdly, removing of dirt and all that is harmful from the road and other places until the land remains clean and beautiful pleasing to those looking at it. The Prophet called for the removal of the expectoration from the mosque, and he ordered the removal of harm from the roads because in that will be a step for entering Paradise since these deeds eliminate the harms from people, animals, and others (Article 12 of the Saudi Environmental Law, 2001). Fourthly, urging hygiene in homes, roads, and all other places as well as looking good, tidy and with nice smell (Article 12 of the Saudi Environmental Law, 2001). Fifthly, preserving of water and forbidding the waste of it for no reason, because its scarcity affects the life of people, plants, and animals as drought spreads in it, and greenery decreases. Sixthly, prohibiting of hunting in special times and places. This would, in turn, provide an opportunity for animals and birds to reproduce and spread. Saudi Arabia established some special natural reserves for this purpose, which is called in Islam "Ḥimā", and this gives the environment a special beauty, and maintains balance in it. For instance, hunting and alienating animals and birds is not permissible in neutral reserves such as the sanctuaries of Mecca and Medina.

For example, The Prophet Muhammad said "Medina is a sanctuary from that place to that. Its trees should not be cut and no heresy should be innovated, nor any sin should be committed in it, and whoever innovates in it a heresy or commits sins (bad deeds), then he will incur the curse of Allah, the angels, and all the people". El-Awaisi (2017) reported that from the beginning of Islam in the 7th century, the concept of spiritual places and boundaries was promoted. Identifying two divine model regions from the start, namely the Ka'bah and al-Aqsa Mosque. After the migration to Madinah, a third centre, the Prophet's Mosque, was added as the final place to be embodied within the Islamic tradition. As part of the spiritual sanctification of the site and area, sacred regions or sanctuaries were endorsed or created, with mosques at their heart. This specification of sacred areas can be seen as a tool for caring and developing the ecosystem in Saudi Arabia.

According to Saudi vision 2030, "the Kingdom has used the necessary biological and social studies and surveys to prepare the Protected Area

System with the proficiency of the International Union for Conservation of Nature. Experts from the Union and the Commission prepared the following document, "A National System for Preserving Wildlife and Sustainable Rural Development in the Kingdom of Saudi Arabia", based on which the announced network of regions was established and protected in the Kingdom thus far. The recently updated system, in accordance with environmental developments, includes a proposal dedicated to protecting 75 areas including, 62 land areas and 13 coastal and marine areas".

Seventhly, conserving forests from fires, as it is forbidden to kindle the fire in a place, then after that, leave without extinguishing the fire. One reason for this is that this may lead to burning of forests. A house in Medina at the time of the Prophet was burnt on his family, and the Prophet spoke about it. He said: "this fire is an enemy for you, so if you sleep, then, put it out for you". Eighthly, being kind to animals and birds. Not to harm them or their own offspring for no legitimate benefit. These animals and birds are adornments for the ecosystem. These adornments give a special beauty to this environment, be it with its beautiful scenery or its sweet tweets. Animals have their own place in the existence hierarchy, according to Islamic teachings, and humans are responsible for their care and feeding. Many references and instructions on how Muslims should handle animals can be found in the Quran. According to the Quran, animals, like humans, form groups and families. "Neither an animal nor a being that flies on its wings exists on the planet, but they form societies like you. We have not left anything out of the Book, and they will all be gathered to their Lord in the end" (Quran 6:38). Prophet Muhammad urged Muslims to treat animals and birds with kindness and compassion and forbade animal cruelty on several occasions. The Messenger of Allah (SAW) once passed by a camel whose back had almost touched its stomach due to malnutrition. "Fear Allah in these beasts who cannot speak".

3. Impact of Aforementioned Categorization on the Saudi Ecology System.

Adjusting the ecosystem to fit the requirements of society is causing serious impacts, which become more terrible as the issue of human overpopulation increases. Some activities that do cause harm to the ecology on a worldwide scale incorporate human reproduction, overconsumption, and deforestation, just to give some examples. A portion of these issues, including biodiversity loss and global warming represent

real threat to humankind, and human overpopulation causes those issues. Torres, F. (2016) asserted that biodiversity loss is frequently distinguished as one of the negative outcomes of environmental change. Having said that, biodiversity loss is a contributing component behind environmental change. For instance, deforestation in the Amazon rainforest and somewhere else diminishes the measure of carbon dioxide expelled from the environment by plants, a characteristic procedure that mitigates the impacts of environmental change. Diamond, J. (2008) expressed that the occupants of the developed countries of the world consume assets like oil and metals at a rate around 32% times more than those of the developing world, who make up most of the human population. The Center for Biological Diversity made strong association between human population and extinction arguing, "We're amidst the Earth's 6th mass termination emergency. Harvard scholar E. O. Wilson evaluates those 30,000 species a year (or three species for each hour) are being headed to elimination. Contrast this to the natural background rate of one extinction per million species per year".

In contrast, from an Islamic viewpoint it is believed that Quran (41:10) said, "God placed stabilizers over the earth; and blessed it; and planned its provisions". Therefore, these provisions must be sufficient to any need. This need, one may argue, must be accompanied by rules of reasonable use and consumption as well as penalties, if applicable. Riyadh Economic Forum January 22, 2019, reviewed some important studies in diagnosing the current situation of environmental problems in the Kingdom. Among the most prominent results were that; population growth, increase in waste and pollutants, and the deterioration of ecosystems are among the most important factors causing pressure on the environment and natural resources. The above forum added that all the governments of the world are aware of the importance of the environment and the challenges facing the human being, but they do not always give it the utmost importance, but rather give other issues great importance, including social and economic, and therefore the fields of the environment come at the back of concerns. Ripple, William J. et al (2019) suggested, "six critical and interrelated steps (in no particular order) that governments, businesses, and the rest of humanity can take to lessen the worst effects of climate change. These are important steps but are not the only actions needed or possible. These are Energy, Short-lived pollutants e.g., black carbon and methane, Nature, Food, Economy, and Population".

Notwithstanding, the weak commitment to environmental controls and standards, the low level of environmental awareness and the spread of negative misconducts made the Kingdom rank 86 out of 180 countries in the environmental performance index. Since the total annual cost of environmental degradation estimated at 86 billion Saudi riyals, equivalent to 3% of GDP in general in 2014, the Forum explained that these environmental problems are considered one of the most important challenges that need to be overcome to achieve the Kingdom's 2030 vision. The Forum also monitored that the pollution of the aquatic environment and the phenomenon of overfishing led to a failure to keep pace with the rate of biological growth of the rate of fishing. Then after that, the effect on the fish stocks of these fisheries, as the proportion of fish stocks within a biologically sustainable level decreased from 87% in 2013 to 54% in 2017. The Forum pointed out that an increase in the degree of air pollution by 10% leads to an increase in the total number of hospitalized patients by 11.1%, and an increase in the total number of patients estimated at 10% leads to a decrease in the total productivity value of the workers as an indicator of economic development by 1.8%. It is well known that investment initiatives and economic and social development plans that are not accompanied by considerations of environmental protection and the adequate preservation of natural resource assets lead to an increase and exacerbation of environmental degradation. This necessitates good commitment to the ecology system, rules, and discretionary penalties i.e., *Ta'zīr* where applicable.

4. Traditional and Modern Viewpoints

Recapping from the previous point, *Ta'zīr* is a voluntary punishment imposed by a judge for crimes committed against God "i.e., Allah" or persons for which no fixed penalty or retribution exists (Ibn Farḥūn, 2002). The Saudi bodies in charge of drafting or legislating rules on environmental crimes and their punishments are up against several legal hurdles. These barriers expressed a lack of knowledge about the most effective legal means of protecting the environment. Do these offences, for example, equate to standard criminal penalties including incarceration or a monetary fine, or should this area be treated with special penalties commensurate with its unique nature and provisions, especially those relating to the perpetrator of the crime?

Even though the Saudi legal system has established some *Ta'zīr* penalties for environmental crimes, some scholars, such as Alshammary (2012), claim that *Ta'zīr* penalties are not defined and are left to the judges' discretion. To reply to this charge, we discovered that some *Ta'zīr* penalties were stated in Quranic verses and some Saudi laws/Nizams. For example, Saudi authorities tend to legislate against certain *Ta'zīr* crimes that pose a serious threat to the community. Alshammary has gone so far as to divide all crimes in Saudi Arabia into two categories: traditional and new. Both types of corrective punishments, I contend, are already subject to Islam's key corrective penalties classification. The key difference between traditional and modern crimes in Saudi cultures, according to Alshammary, is the form of offense. As a result, if the crime is well-known in Saudi culture, it can be classified as traditional crime; otherwise, it is not. To elaborate, contemporary crimes are relatively new to Saudi culture, having not been encountered in the previous 30 years. (Alshammary 2012, pp 126, 127). To oppose, one might argue that contemporary crimes are mainly linked to cyber-crime, which occurs over the internet, and therefore have little to do with Saudi societies in terms of conventional or modern environmental crime.

Despite the fact that *Ta'zīr* penalties are not restricted and are subject to the judges' discretion, 'Awadh blamed 'Auda, a former judge, for restricting *Ta'zīr* penalties to only four general categories: oral punishments (e.g., admonition, reprimand, warning, and public disclosure); financial corrective sanctions (e.g., fines, seizure of property, and termination from employment); physical discipline (e.g., flogging); and negative corrective sanctions for rights (e.g. temporary or life imprisonment and exile).

Apart from monetary fines, I found no evidence of such corrective sanctions in Saudi judicial applications relevant to the environment. Other punishments (such as admonition, reprimand, danger and public disclosure, and property seizure) were either ignored or only stated in a few very rare cases, to the point that they were no longer relevant. Although Awadh claims that *Ta'zīr* penalties are yet to be decided, one may question whether *Ta'zīr* penalties are already defined in the Qur'an (e.g., Qur'an 4: 34). To answer this, Awadh pointed out that the *Ta'zīr* penalties listed in the Qur'an do not imply that all discretionary punishments must fall into one of four groups, as long as the penalty is valid and sufficient for the offense. And the criminal. However, mentioning the punishment in the Qur'an only serves to legitimize it so that the judge can include it in his

decisions. As a result, it does not imply that discretionary punishments must be limited to those stated in the Qur'an. As a result, the job of the judge is to strike a balance between the punishment, the offense, and the defendant. Thus, in order to reflect on such applications on environment in Saudi Arabia, the following discusses some court cases that outline the Islamic frameworks for ecosystem in Saudi Arabia.

5. Islamic Applications on Ecosystem in the Kingdom of Saudi Arabia

Several regulations govern environmental issues in the Kingdom of Saudi Arabia. These systems are monitored by various government agencies, such as the General Presidency of Meteorology, the Ministry of Labour, the National Wildlife Protection Authority, the Ministry of Agriculture, the Ministry of Municipal and Rural Affairs, and the Ministry of Health.

These regulations, in fact, still pull the topic of environment in Saudi Islamic system. Alsharif (2015) went far to claim that those various sectors in charge of ecosystem in Saudi are still in force of applying the regulations. This research, however, opposes this opinion of Alsharif because what Alsharif claimed used to be in the past. Since 2015, the Saudi vision 2030 starts to build common understanding of the ecosystem challenges, one of which is sectors that are in charge of environment. Therefore, The Crown Prince Muhammed Bin Salman reconstructed and merged some ministries/commissions, such as those, which relate to environment. The current responsible body is Ministry of Environment, Water and Agriculture.

This section of my research focuses on the Islamic legal system that governs the environment in Saudi Arabia aiming to clarify how those Islamic objectives and regulations do affect the Saudi society, as Islam is the key source for all regulations in the KSA. For instance, Qur'an (7:56) asserted regarding environmental pollution that "... do not spoil in the earth after it is repaired". Quran (30:41), additionally, continues to clarify that "Corruption has appeared in righteousness and the sea due to what the hands of the people gained". Islamic law interprets that the word "corruption" includes pollution, climate changes and desertification, as is the verse made it clear that humans are the cause of environmental hazards. Practical applications of Islamic law protection for the environment showed that the Islamic judicial system imposed discretionary penalties on

violators. Examples of such represented in what Alqaradawi (2000) mentioned from Islamic history in the following cases:

- Taking the lands from people who hinder the use of them and offering those lands for those who construct and cultivate them.
- Imposing a financial fine for whoever leads to the depreciation of the land, by cultivating them in ways that are not suitable for them.
- Imposing a fine for whoever assaults wildlife, based on the Quran (5:95)

"O you who believe! Do not kill game while you are in pilgrim sanctity. Whoever of you kills any intentionally, its penalty shall be a domestic animal comparable to what he killed, as determined by two honest persons among you—an offering delivered to the Ka'bah. Or he may atone by feeding the needy, or its equivalent in fasting, so that he may taste the consequences of his conduct. God forgives what is past. However, whoever repeats, God will take revenge on him. God is Almighty, Avenger". Briefly, damaging the environment is a crime that deserves punishment in Islamic law by some corrective means. For instance, imprisonment or other various compensation for damages, because the major jurisprudential rule in Islam is (no harm, or harm shall be removed), that is, prevention of private, public, and common harm.

Alkhunain (2014) reported that some practical applications of Islamic law for the environment have shown that the Islamic judicial system imposed discretionary punishments on violators. These punishments represented in the following examples, to name a few: First, confiscating a land from their owners, who disrupt the use of them and offering them to those who live and cultivate them. Secondly, imposing a financial fine on destroying the land by cultivating it for what is not suitable for it. Thirdly, environmental crimes may interfere with other fixed crimes in Islamic e.g., retribution and blood money, as if the environmental pollution resulted in a person being killed by drinking contaminated water or food. Fourthly, damage to the environment can be considered a crime in Islam that deserves to be imprisoned or punished with different options. One reason for this is that a greatest principle of Islam is (neither harm nor be harmed), that represents, prevention of private, public, and joint harms. Alsharif (2015) concluded his findings by arguing that the environmental penalties in Saudi Arabia are not sufficient to provide legal protection to the environment and public health from pollutants and threats of hazardous waste.

Alsharif counted some reasons claiming that the absence of administrative and transparent terms of reference due to multiple entities, inexistence of the administrative and financial independence of the Environment Council, and the multiplicity of violations and investigation for environmental crimes, the multiplicity of environmental regulations, and the lack of a fund to protect the environment as well. The absence of environmental awareness among society members and the absence of environmental rehabilitation among employees and judges are considered core reasons for ecosystem corruption. Since 2015 (i.e., after Alsharif's paper), there has been considerable efforts to reconstruct, rebuild and regulate ecosystem issues in Saudi Arabia. Therefore, not all what Alsharif argued about are right, yet some of which indeed are correct. The Kingdom's most prominent efforts in protecting the environment are launching initiatives and projects related to the protection of the environment. Some of which include establishing a research fund for energy and the environment. The Kingdom has the most significant environmental reconstruction project in history. The project is focused on developments, which were integrated after the Gulf War and costed the Kingdom more than 1.1 billion US Dollars. Finally, the Center for Desert Agriculture works on developing sustainable, low-input systems, which use water efficiently to produce food and grains and are proportionate with the coastal desert environments that depends on agriculture in relation to sea water and sunlight.

It is useful to summarize some of what Alrousan (2010) suggested in this regard before deciding the main characteristics and steps that I need to explain within the environmental verdicts. He led a debate on the 'judicial individualization of sentences,' which entailed looking into the possible sources of error throughout every criminal judgment. His work has remained distinctive for a long time, because it acknowledges a variety of standards for evaluating punishments in general (not just for the environment), and as a result, it has influenced my own viewpoint. He concluded that punishment is a necessary evil that must be recognized for its detrimental effects as well as its intended educational function in order to minimize the use of punishment. The ability to establish strategies to determine effective punishments to reintegrate criminals into society, re-educate them, encourage them to uphold social norms, and remind them of their responsibilities is the primary goal of this. As a result, it is possible to depend on the criminal's age, gender, behaviour, and psychological characteristics. This expertise differs significantly from that required by traditional schools (e.g., Hanafi and Hanbali), since it goes beyond the

crime's external circumstances and the perpetrators' prior convictions. This was the case with Alrousan's ideas; however, although this point is instructive, it is insufficient. This is because, unlike Alrousan, I am not attempting to create a standardized criminal verdict profile. Rather, my goal is to create a standard profile of Saudi environmental retaliation. It is additionally to see how Islamic judges in Saudi Arabia handled such a case. With this goal in mind, I wanted to concentrate on the judges' rulings, as well as the form of penalty imposed, whether it was monetary, jailing, or simply the cancellation of an order. Here are some additional, yet missing efforts as they sometimes were not obvious nor displayed to the audience, in this essential topic, few selected judicial cases from Saudi courts.

Case One:

The incidents of this lawsuit are summarized in the claim of several the people of a town XXX against the municipality of their town, that the municipality has specified a certain location of the town to be distributed to people as a residence (i.e., this will harm those people of the town, especially their animals and watering). This prevents them from benefiting from that location, which in fact is for their animals, causing them harm in their pastures, their drinking water and watering their farms, and they ended their claim by demanding that the municipality stop disposing of these lands to be for human residence. The judge, after hearing the claim and evidence from both sides of the suit, decided to cancel the decree of the aforementioned municipality due to the harms that the municipality would cause for the ecosystem and its animals.

Case Two:

Several people filed their case on behalf of tribes AAA residents of XXX by requesting the cancellation of the village council's decision to set the location of the garbage dump over the town's only drinking water, because of the harm it causes to them. A letter from the Emirate of the region had previously been issued by allocating a goal for every village in the land adjacent to it, but the compound chose this site as a general goal for the town ... with the damage this choice causes to the people of the region to expose them to epidemic diseases due to drinking water polluted by waste. As such, the judge decided to cancel the village council's decision to set the location of the garbage dump over the town's only drinking well.

Case Three:

The Prosecutor-General claimed against two boys, for setting fire to weeds and trees at a site in a governorate ... and that one of them set fire to, and stated that he had to make tea, and that the fire spread because of the wind, yet the second was with the first boy, but they both did not inform the security authorities about the fire, and the Prosecutor-General asked to prove what was assigned to them, and to sentence them to a punishment that would repel them and deter others. The judge, after hearing and studying the case, decided to sentence the boys to a prison. The first boy for one week while the second for 10 days. Apart from the inconsistency in the discretionary penalties meted out, we can see that the judge herein this lawsuit decided to remove the harm consequences from the public side. This obviously achieved by sending the two boys to a jail correctively.

Case Four:

The plaintiffs claimed that the defendant - years ago - established a poultry farm in their neighbourhood, which is now a region surrounded by many mosques and populated dwellings, in which there are boys and girls' schools, and the expansion of chicken barns on the said farm, will in turn, increase the damage throughout the neighbourhood due to unpleasant smells of chicken and its offspring. Also, this is a reason for the spread of insects and epidemic diseases of sensitivity and others, which leads to the unbound consequences, because of this farm, and the insecticides used in it. The plaintiffs ended their claim by asking the defendant to stop and remove his mentioned farm, and so, the judge decided in their favour to remove the harm.

Case Five:

The plaintiffs requested the judge to cancel the decision of the Emirate of a region to fine each of them with an amount of two thousand riyals because they entered a protected area without a permit, chasing hunting, possessing weapons, and firing them. Knowing that the plaintiffs had voluntarily admitted during the investigations that they entered the protected area without a permit, as well as carried those weapons with them, is a sufficient acknowledgment of the validity of the decision. The effect of that is rejection of the lawsuit. It rejected due to their admissions throughout the

judicial process as well as for protecting the ecosystem and wildlife of excessive wrongdoings.

Discussion

The previous judicial verdicts represent the role of the Saudi judicial system when the relationship between humankind and the ecosystem becomes difficult. In other words, if the relationship starts to be harmful, then, anyone of the society can establish a lawsuit to remove the harm or, at least, rebalance the relationship again. However, the court cases above concentrated on removing the harm, which is the role of the courts, rather than, in positive situations, enhancing the relationship such as rewarding who looks after the environment. Hence, the ecosystem is need of more efforts to raise awareness, reward the environment workers, researchers, and make more competitions in this regard. In this consideration, the Islamic objectives stimulate people to go forward and contemplate in the ecosystem. Quran (3:190) stated, “In the creation of the heavens and the earth, and in the alternation of night and day, are signs for people of understanding”. And at the end of those verses Quran (3:195) said (...I will remit for them their sins and will admit them into gardens beneath which rivers flow—a reward from God. With God is the ultimate reward”. Another good step is what the Saudi Government announced in recent years with many prizes. For instance, Saudi Prize for Environmental Management, environmental poetry competition, the competition of the General Authority of Meteorology and Environmental Protection in cooperation with the Ministry of Education in the following areas: environmental film, photography, electronic design, establishment of an environmental club in schools. To summarize, combining the principles of reward and punishment to achieve environmental goals is one of the purposes of Islamic, as punishment alone through the courts and the competent authorities is not sufficient. Rather, the principle of reward and competitions must be in place to restore the natural relationship between man and the environment back on the right track.

Another imprecise observation on such judicial cases is that it has not applied different corrective penalties as almost all the verdicts focused on removing the harm by cancelling the administrative orders or by dismissing the case itself only. We solely saw very rare cases that applied prison punishment or put a financial fine on the offenders. Therefore, I argue that

the corrective penalty for breaching environmental system needs rethinking and reimagining of the penalties meted out.

Conclusion

This paper has discussed the Islamic Objectives frameworks for the Saudi ecosystem. This framework can be viewed through three perspectives, which are, the relationship between humankind and the environment, the impact of aforementioned categorization on the Saudi ecology system and, finally, the reflection of such impact on Saudi judicial decisions. Human being in his relationship with the environment is based on vicegerency (i.e., *Khilāfah*), subjection/*Taskhīr*) and inhabitation (i.e., *I'mār*). Within the Saudi environmental system, not all the human activities are destructive to the environment. For example, Saudi government has made many positive and serious efforts to maintain healthy ecological system such as passing and joining laws and international treaties. The impact of such laws and categorizations on the Saudi ecology system seems to be improving since combining the principles of reward and punishment is a key to achieve balance considering Islamic objectives.

Based on secondary data such as books, articles, different national and international reports and acts, this paper was able to diagnose the spine of the Saudi Islamic verdicts regarding ecosystem. The backbone mainly consists of the idea of removing the harm where possible. As such, other discretionary penalties were omitted or rarely used such as financial penalty, reprimand, admonition, and seizure of property.

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