

## Hunting Without Official Permissions - Environmental Health Sustainability: Nature Reserves As A Case Study - Islamic Regulations And Rulings

## Jamal Lakhdar Hammoud Azzoun<sup>1</sup>, Ali Ahmed Salem Farhat<sup>2</sup>, Mourad Ben Kaddour Ben Ahmed Boudaya<sup>3</sup>

<sup>1, 2</sup> Department of Sharia, College of Sharia, Najran University, Kingdom of Saudi Arabia

Email ID: jlazoune@nu.edu.sa

https://orcid.org/0009-0008-7464-8930

<sup>3</sup> Department of Jurisprudence and its Principles, College of Sharia and Islamic Studies, Qatar University

<sup>2</sup>Email ID: <u>aafarahat@nu.edu.sa</u>, <u>ali.ahmed6405@gmail.com</u>

<sup>3</sup>Email ID: <u>mboudaia@qu.edu.qa</u>

<sup>2</sup>https://orcid.org/0009-0001-0038-8629 <sup>3</sup>https://orcid.org/0009-0004-8677-3182

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#### **ABSTRACT**

Many nature reserves are exposed to hunting and shooting by amateurs, professionals, and animal abusers against species whose protection is intended for their offspring's survival. Hence, it is very important to address such a topic and explain the jurisprudential rulings related to the process of hunting with or without a permission, in protected reserves.

Nature reserves of KSA are world-famous that seek to preserve the offspring of rare animal species and achieve a high standard of health for them so that they do not become extinct. In addition, such reserves represent a source of economic development and a support for tourism.

#### The research objectives are:

- 1- Developing a set of Islamic rulings and regulations related to hunting in nature reserves.
- 2- Drawing attention to the value of protected species and that they represent an economic source that supports clean tourism.
- 3- Deterring reckless groups from attacking protected species which contribute to their extinction.

This research required adopting the inductive analytical approach which based on clarifying a number of jurisprudential rulings related to hunting in nature reserves.

The research concluded a set of findings and number of relevant important proposals listed at the end.

**Keywords:** hunting – reserves – animals – rulings.

#### 1. INTRODUCTION

Countries – led by KSA - are keen to establish natural reserves to protect rare animal species and plant forest wealth. They allocate significant financial budgets for such reserves, and contract with professional employees to manage them, as well as bringing well-trained security companies for monitoring in order to prevent the infiltration of hunters, amateurs, thieves, and individuals. Such procedures of security and follow-up contributed to the abundance of a large number of rare animals' offspring, and the growth of large trees that contributed to the recovery of the natural airspace.

#### 2. STATEMENT OF THE PROBLEMS

This research addresses a prime question: What is the Islamic ruling of hunting in natural reserves without having an official permission?

Branching out from this main question is a number of sub-questions that are closely related to monitoring the conditions of hunters, amateurs, and thieves who dare to enter natural reserves and engage in hunting there without having permissions from the competent authorities, and clarifying the Islamic rulings and regulations of hunting for the licensed in reserves and elsewhere.

#### 3. REASONS FOR CHOOSING THE TOPIC

#### Reasons can be limited in two points:

The first is the urgent need to develop a number of rulings related to the practice of hunting in nature reserves without obtaining permissions from the competent authorities.

The second is the existence of several absurd intrusions into natural reserves.

#### 4. RESEARCH OBJECTIVES

#### The most important objectives of this research are as follows:

- 1- Serving the research orientations of Najran University regarding the contemporary jurisprudential issues discipline.
- 2- Contributing with such research to promote the culture of discipline among hunters.
- 3- Seeking to support *Saudi Vision 2030*, which includes -among its strategies- establishing natural tourist parks that contribute to serving the national economy and supporting the state treasury.

#### 5. LITERATURE REVIEW

After careful research and investigation by the researchers, within the limits of and scopes their sources, they found some excerpts of articles related to the topic, but they do not live up to the level and content of this research.

### 6. THE APPLIED SCHOLARLY APPROACH

This research required adopting the inductive analytical approach which based on clarifying the Islamic regulations and rulings related to natural reserves, preventing attacks against the animals and plants in such reserves, and presenting a set of related proposals.

### 7. RESEARCH PLAN AND PROCEDURES

This research consists of an introduction, three sections, a conclusion, proposals, and an index of sources and references as follows:

**Introduction:** contains a summary of the research, a statement of its significance, problems and questions, the reasons behind choosing such a topic, the research's objectives, the literature review, the applied scholarly approach and the research's plan.

**Section one:** clarifying the vocabulary of the research title.

**Section two:** the original ruling of hunting is the permissibility, unless accompanied by evidence that takes it outside that realm.

**Section three:** important provisions related to hunting in nature reserves.

**Conclusion:** contains the most important findings and proposals of the research.

### Index of topics.

Index of sources and references

## 8. SECTION ONE

Clarifying the vocabulary of the research title

The proposed title for this research is "Hunting without official permissions, (nature reserves as a case study - Islamic regulations and rulings)". This requires clarifying the vocabulary that make up such a title.

1- **Hunting:** is the act of one that hunts, and it refers to the activity or sport of chasing or searching for wild animals or birds with the intention of killing or catching them.

Jurisprudentially, hunting is capturing a  $hal\bar{a}l^1$  wild animal, which is non-proprietary, and is unmanageable.

<sup>&</sup>lt;sup>1</sup> Ḥalāl is an Arabic term which means permissible or lawful in Islam. In reference to food, it is the Islamic dietary standard, as prescribed in Islamic Law.

2- **Official permissions:** are hunting or capturing licenses. It is a regulatory or legal system to control commercial and recreational hunting. Hunting may be informally regulated under unwritten law, restraint, an ethical code, or governmental laws including purposes of requesting hunting permissions to protect natural resources and increase tax revenues.

The executive regulations for hunting fungi organisms stated that it is: a written permission granted to a person who practices an environmental activity.

The researchers proposed an innovative definition that reads: "They are certificates issued by government agencies, such as the Ministry of Hunting or the Ministry of Environment, Water and Agriculture, authorizing their holders to practice hunting after registering the hunting tool in their possession, specifying its descriptions and numbers, and verifying the eligibility of their holders while using".

The description of "official" is a restriction on forged and expired certificates whose holder is liable to legal punishment.

3- **Nature reserves:** is a new term that the ancients did not use. The reason is that they did not have to create natural reserves to protect rare animals and plants from extinction. Furthermore, hunters in ancient times were not afflicted with greed, aggression, and excessiveness which inflict upon contemporaries in hunting species on the verge of extinction. Additionally, the religious motive was strong, unlike those current people whose weakness led them to commit massacres against rare animals, hoping to get quick rich by selling their fur, tusks, or other parts of such expensive animals.

As for contemporary language dictionaries, it defined a nature reserve as: "a restricted area to protect wildlife or natural resources, and to protect animals from inconvenience and harassment". Such a comprehensive exhaustive definition includes all types of wild animals and natural resources such as trees and plants.

### The definition has important implications, including:

- a) Nature reserves are restricted to employees. Signs and signals are usually used to alert people that this area is a natural reserve where hunting is banned. Nature reserves are usually surrounded by a fence and wires from all sides to prevent animals from leaving and stop hunters, thieves and their like from entering. Now, surveillance cameras are deployed in several places in reserves, and security personnel follow the surveillance through tv screens in their central offices.
- b) The primary purpose of reserves' existence is the safety of wildlife, including animals, plants, and natural resources because their safety is in fact safety for people, through which many interests are achieved. Regulations, rulings and terms in this regard contribute greatly to achieving this safety, and confirm that the original ruling of hunting process is permissibility unless accompanied by evidence that takes it outside that scope, which will be detailed in the following section.

### 9. SECTION TWO

The original ruling of hunting is the permissibility, unless accompanied by evidence that takes it outside that realm

#### Evidence of permissibility is provided by several texts, including:

- a) Allah's saying: "Lawful for you are the animals of grazing livestock except for that which is recited to you [in this Qur'ān] hunting not being permitted while you are in the state of iḥrām." [Al-Mā'idah: 1].
- b) Allah's saying: "But when you come out of iḥrām, then [you may] hunt" [Al-Mā'idah: 2].
- c) The hadīth which was reported by 'Adī Ibn Ḥātim in which the Prophet PBUH (peace and blessings be upon him) said: "If you let loose (with Allah's name) your tamed dog after a game and it hunts it, you may eat it...".
- d) The consensus: such consensus was mentioned by more than one Muslim jurist, including Ibn Daqīqul-ʿĪd Ash-Shāfiʿī in his book *Sharḥul-Ilmām*.
- e) The wisdom requires that as man needs animal's meat and this is only achieved by hunting and capturing.
- f) If *ḥalāl* animals were not hunted or captured, they would multiply and crowd out humans, and their huge numbers would cause great difficulty. Thus, it was part of the *Sharīʿah* (Islamic legislation) wisdom to permit hunting, so that a natural balance would be achieved, and humans' interests in (eating) *ḥalāl* meat would be achieved.

The bottom line is that hunting is permissible unless it is accompanied by evidence that takes it outside the realm of permissibility and brings it into the scope of prohibition, dislike, obligation, or recommendation.

**First:** the realm of prohibition: is applied to the following cases:

1- If hunting law in a country stipulates a permanent ban on hunting a very special type of animals, such as predators like the Arabian leopard, lynx, sand cat, common genet, honey badger, or the artiodactyl such as the Arabian oryx

and the Rhim gazelle.

- 2- Hunting endangered animal fungi organisms. The Ministry of Environment and its centers periodically issue lists identifying the endangered wild animal fungi organisms.
- 3- Hunting pregnant wild animal fungi organisms or their young.
- 4- Hunting in specific prohibited places, such as: within the borders of the Two Holy Mosques, within cities and villages; to avoid harming people, within places classified as heritage, within the borders of all areas declared as protected areas except under a permission issued based on specific requirements and regulations, and public and secondary roads.
- 5- Absurd hunting, which is not for the need of animal's meat, but for mere play, luxury, and amusement. This kind of hunting is normally associated with harming animals either through beating, dismembering it while it is alive, or burning with fire. There are several evidence prohibiting such kind as follows:
  - a) What was narrated by Hishām Ibn Zayd when he said: I entered upon Al-Ḥakam Ibn Ayyūb along with Anas. He saw some youths or boys who had set up a hen and shooting at it. Anas said: The Messenger of Allah PBUH forbade to kill an animal in confinement. That is trapped in a specific equipment, such as a box, or tied, and used as a target for throwing until it dies. In this case, it is also called: *Al-Mujaththamah* (i.e., the prone), and only one who has no mercy can do this.

Al-Khaṭṭāabī stated: "Al-Mujaththamah is the one which has been tied up and imprisoned by force. If it is thrown until it dies, (it's meat) is prohibited."

- b) What was reported by Ibn 'Abbās from the Prophet PBUH who said, "Do not take any living creature as a target." i.e., a target which is imprisoned and killed out of absurdity. An-Nawawī stated: it means that he, PBUH, prohibited using a live animal as a target for shooting, and taking aim at it.
- 6- Hunting what is not permissible to eat, such as predators, pigs, and the like, just for tampering and torture. According to *Sharī* 'ah, forbidding eating a specific animal does not justify imprisoning and killing it, as it is a living being and feels pain, and this is unanimously agreed upon by Muslim jurists.

**Ibn** 'Abdul-Barr stated: He (i.e., Allah's Messenger) forbade us from using anything in which there is a spirit as a target, and he forbade to kill an animal in confinement, and that is regarding what is lawful for consumption and what is not. Muslim scholars are unanimously agreed upon that.

This confirms that *Sharī ah* takes into account having mercy towards animals, whether it is lawful for consumption or not. Moreover, *ḥalāl* species are slaughtered only for human needs, thus, no room for senseless killing that contradicts mercy.

**Ibn Hubayrah stated:** "this is only forbidden for the sake of honoring living beings, while slaughter is permissible for necessity, in a way that gains benefit with kindness, not with violence.

All the above confirm that if nature reserves include an animal either lawful or non-lawful for consumption, then attacking it for entertainment, tampering, or torture is prohibited. This is due to three reasons:

- a) Assaulting a living being without necessity.
- b) Discretion over contents of a place that does not belong to the perpetrator. Whoever controls what he does not own is unjust, and for this reason one of the definitions of injustice is controlling what a person does not own.
- c) Violating the directives of the authorities or their representatives regarding penetrating a reserve without a permission. Violating the authorities' laws and regulations leads to widespread corruption among people.

Adhering to state's system -as long as it does not contradict the  $Shar\bar{\iota}'ah$  rulings- is -no doubt- part of obedience to the authorities that Allah has commanded a Muslim to adhere. Whoever does that, is obedient to Allah and His Messenger, and thus will be rewarded for obeying them. On the contrary, whosoever violates that, is disobeying Allah and His Messenger, and thus committing a sin.

**Second:** the realm of reprehensible: is applied to two cases:

- 1- If a hunter hunts more than he needs, even if he obtains a permission to hunt in a nature reserve. The legal maxim states: "If a permissible matter exceeds sufficiency, it moves to the realm of reprehensible".
- 2- If the hunted animal is in the stage of breastfeeding. Mercy necessitates leaving such an animal so as not to forsake its young. Alternatively, hunting an animal that most likely does not have young.

**Third:** the realm of obligatory: is applied to two cases:

- 1- If a hunter is about to die out of starvation and finds an animal in a nature reserve, he must then hunt it to save himself. In such a case, the hunter should compensate the reserve with a similar animal, if possible, or its value if not. The reason for obligation is giving priority to a minor harm over a major one. Perishing due to starvation is a major harm, and hunting an animal from a reserve is a minor harm. Scholars of 'Uṣūl Al-Fiqh² established a legal maxim stating, "If two evils conflict, (committing) the minor of which takes precedence over the major".
- 2- If an animal in attacks a human being a nature reserve and is likely to kill him, then the person who has a weapon, such as a guard, must kill the attacking animal to save the attacked human being. Jurists unanimously agreed that resisting the aggressor is an obligation, whether it is an animal or a human. The obligation here depends on the inability to repel the attacking animal by any other means, such as shooting bullets in the air, shouting loudly, hitting with a stick to intimidate it, or any other possible means. This is an important restraint that must be taken into consideration in case of attacking.

There is no liability here upon the killer of the ferocious animal, as such an act is necessary, and the ownership of the ferocious animal belongs to the state's reserve. The majority of Mālikīs, Shāfīʿīs, and Ḥanbalīs agreed that there is no guarantee on killing a feral animal owned by individuals. Thus, it is more deserving not to grant guarantee to a ferocious animal owned by a reserve.

**Fourth:** the realm of recommendation: is applied two cases:

- 1- If a reserve administration decides to hunt an animal in the reserve due to a disease that is feared to spread or an emergency feral attack that harms other animals, and the administration finds no one but this hunter, it is recommended for him to cooperate with them in order to achieve this purpose. This is not an obligation upon him, and they may seek help from someone else.
- 2- If an animal strays from its owner's barn and enters a state-owned reserve, then it is recommended for the owner to catch his stray animal if he has no money and needs food for a feast, sacrifice, or circumcision events, instead of resorting to borrowing and debt.

The above are four realms between which hunting moves; permissibility, prohibition, reprehensible, obligation, and recommendation. Each realm includes a number of regulations that the reader can easily understand. Other important relevant provisions will be discussed in the following section.

### 10. SECTION THREE

Important provisions related to hunting in nature reserves

### There is a set of provisions that give a deeper dimension to the study, the researchers limited them to the following:

- 1- Any hunting in animal reserves without an official permission, exposes the doer to sin, punishment and liability.
- 2- Every area fenced with natural or artificial barriers that contains rare or endangered animals and has warning signs is an animal reserve that hunters must not penetrate or engage in hunting in without an official, legal permission.
- 3- Any banned hunting in reserves that leads to killing an animal or any other damage, the doer is liable to guarantee and compensate the reserve administration after experts estimate the material damages. Judiciary can use the tables which specify the fines for hunting violations in nature reserves to estimate the value of damages in coordination with the experts affiliated with the court.
- 4- No discrimination between foreign hunters and reserve employees. All are banned from hunting in restricted reserves as long as a person is proficient in hunting. The job does not grant any exceptions in this regard.
- 5- Obtaining a general permission to practice hunting does not necessarily mean that it is permissible to practice it in nature reserves.
- 6- Surveillance cameras' footages to the unlicensed hunters entering and engaging in banned hunting is considered valid evidence against them in judicial courts, not to mention the testimonies of reserve security personnel.
- 7- If a hunter hunts a stray animal from any reserve in an authorized area for hunting, without knowing, then he is not blamed and no guarantee on him. However, the meat, the skin, and every organ belong to the mistakenly caught animal is a property for the state reserve.
- 8- Obtaining a permission to hunt a specific animal by name and description within a nature reserve does not entitle the licensed hunter to hunt other animals not registered in the license.
- 9- It may be appropriate in the coming periods to expand the use of technology to support this field (Ahmed,

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<sup>&</sup>lt;sup>2</sup> 'Uṣūl Al-fiqh: the sources of Islamic law and the discipline dedicated to elucidating them and their relationship to the substantive rulings.

Alharbi, & Elfeky, 2022; Elbyaly & Elfeky, 2023a, 2023c, 2023e, 2023f, 2023g, 2023h, 2023i; A. Elfeky, 2017; A. I. M. Elfeky & Elbyaly, 2016, 2019, 2023a, 2023b, 2023c, 2023e, 2023f, 2023g; A. I. M. Elfeky, Najmi, & Elbyaly, 2023, 2024a, 2024b; Elfekyand, 2016; Masada, 2017; Masadeh & Elfeky, 2016).

#### 11. CONCLUSION

#### This research presented several findings, the most important of which are the following:

- 1- Animal reserves are an excellent nursery for rare and endangered animals.
- 2- Nature reserves can be one of the resources of clean tourism that supports national economy and sustainable development.
- 3- The contents of this research title: "Hunting without official permissions, (nature reserves as a case study Islamic regulations and rulings)" have been clarified and defined in detail in the body of the research.
- 4- A reserve: is a restricted area to protect wildlife or natural resources, and to protect animals from disturbance and harassment.
- 5- Permissibility is the original state of hunting, unless this state is accompanied by something that takes it outside the realm of permissibility.
- 6- There are four rulings for hunting: prohibition, reprehensible, obligation, and recommendation. The research discussed each one in details.
- 7- Whoever does not have a permission to hunt, is not permitted to practice it. Similarly, whosoever has a general permission (to hunt), is not permitted to practice hunting in nature reserves.
- 8- KSA's reserves are widely known and can be used to support tourism and national income.
- 9- The research presents several important regulations that have been discussed in the last section.

#### 12. RESEARCH PROPOSALS

#### The research developed a set of important proposals that can be discussed in separate research, as follows:

- 1- Western national reserves. Cases to benefit from in Arab reserves.
- 2- Techniques for preparing nature reserves. creative ideas.
- 3- Violation of nature reserves and its rulings in light of *Sharī ʿah* and law.
- 4- Predatory animals and the problems of being with pets in nature reserves, an applied study.
- 5- Hybridization and its rulings (animals of nature reserves as a case study).
- 6- Forgery of documents, instruments and certificates (hunting permissions as a case study).
- 7- Trading in rare animal organs. Regulations, rulings and ethics.
- 8- Violence against animals. Islamic considerations and harsh penalties.
- 9- This research includes an emphasis on environmental health sustainability.

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