

## The Crime Of Assault On Wildlife From The Perspective Of Islamic Jurisprudence And Its Impact On Sustainable Development In The Kingdom Of Saudi Arabia

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Cite this paper as: Dr. Khaled Fouad El-Sayed Abu El-Ala, (2025) The Crime Of Assault On Wildlife From The Perspective Of Islamic Jurisprudence And Its Impact On Sustainable Development In The Kingdom Of Saudi Arabia. *Journal of Neonatal Surgery*, 14 (16s), 914-918.

### ABSTRACT

The research aimed to define wildlife from the perspective of Islamic jurisprudence, the penalty for assault on wildlife, and to clarify the effects thereof from both the Sharia and legal perspectives. The Research relied on the descriptive method, and within that framework, employed the analytical approach. It resulted in many findings, the most prominent of which are as follows:

Wildlife refers to forms of animal and plant life that are not subject to human intervention, and the concept includes wild creatures: any living or dead being that scientifically belongs to the animal or plant groups, excluding humans and domesticated or tame creatures. Protected areas are included. Wildlife plays a fundamental role in maintaining the natural balance of life. Means of proving assault on wildlife include inspection, expert opinion, confession, and evidence. Hunting is permitted in principle by legislation; however, obedience to the ruler is obligatory, and among the ruler's prerogatives is the restriction of the permissible. Assault on wildlife constitutes a violation of legal provisions, and punishment may extend to fines, then imprisonment of varying terms, and fines which may reach into the millions. Preservation of wildlife encourages tourism, contributes to economic growth, and stimulates ambition to innovate in developing this field, which is the aim of sustainable development.

### Recommendations

The researchers recommend the following: obedience to the ruler in matters related to the environment and otherwise, and the dissemination of a culture of wildlife protection.

**Keywords:** Crime – Assault – Wildlife – Islamic Jurisprudence

### 1. INTRODUCTION

All praise is due to Allah as is rightly His due, and as befits the majesty of His Countenance, the greatness of His Sovereignty, the comprehensiveness of His Mercy, and the abundance of His blessings, and May Allah's peace and blessings be upon our Master Muhammad, and upon all his family and companions.

The Kingdom of Saudi Arabia is distinguished by the diversity of its ecosystems due to its vast area, geographical nature, and the multiplicity of biogeographical regions therein, which in turn has contributed to the increase of components of biodiversity and wildlife in the Kingdom. This distinctive nature has resulted in many endemic species. Local wild animals are subjected to many threats, represented by habitat fragmentation, unsustainable exploitation of natural resources, and the shrinking of important environmental spaces for these species. Some of them are facing sharp and rapid population decline at the national level as a result of these threats.

Greed may drive some individuals or hunters in particular to commit a crime related to wildlife, thereby violating its natural and wild aspect, or assaulting rare animals, perhaps those on the verge of extinction. The Kingdom's efforts in protecting wildlife and its contents are pioneering in this regard, and the systems it has legislated, based on Sharia and rights, have been observed by this research.

The research aimed to define wildlife and biodiversity in the preservation of ecosystem health, which supports sustainable food systems and agriculture, promotes joint ecosystems, and protects human health, livelihoods, and food security, and to clarify the crime of assault thereon from a scholarly Sharia perspective.

## 2. RESEARCH PROBLEM

The research problem may be formulated in the following principal question: What is the reality of the crime of assault on wildlife from the perspective of Islamic jurisprudence, what are its penalties and causes for exemption, and what is its impact on the economy and sustainable development?

## 3. RESEARCH OBJECTIVES

Based on the foregoing questions, the objectives of the Research may be formulated as follows:

- To define wildlife.
- To establish the jurisprudential basis for wildlife.
- The penalty for assault on wildlife, and Causes for Exemption.
- To clarify the impact of assault on wildlife on sustainable development in the Kingdom of Saudi Arabia.

## 4. RESEARCH METHODOLOGY

The Research relies on the inductive method, wherein the issue subject to research is traced from the reality of specialised writings that have addressed it through presentation and analysis.

## 5. RESEARCH STRUCTURE

The Research consists of an introduction, two topics, a conclusion, and an index:

**Introduction:** It addressed the research problem, its objectives, importance, methodology, and plan. It includes two topics, a conclusion, and references.

**Topic One:** Definition of the crime of assault on wildlife.

**Topic Two:** The penalty for the crime of assault on wildlife, and its impact on the economy and sustainable development in the Kingdom of Saudi Arabia.

## 6. TOPIC ONE: DEFINITION OF THE CRIME OF ASSAULT ON WILDLIFE

### First: Definition of crime.

In linguistic terms, "crime" is derived from the Arabic term *jurm*, meaning transgression, and *jurm* also signifies sin, with its plural forms being *ajrām* and *jurūm*. In the Hadith it is stated: *"The worst of the Muslims in terms of crime is the one who asks about something that was not forbidden, so that it becomes forbidden because of his inquiry."* The phrase "tajarrama alayya fulan" means: "Someone falsely accused me of a crime I did not commit." The criminal is the offender. [2]

Crime is defined in Islamic law as a prohibited act for which Allah has prescribed either a fixed penalty (*ḥadd*) or a discretionary penalty (*ta'zīr*). [3] In legal terminology, a crime is defined as a voluntary act prohibited by law for which the perpetrator is subject to criminal penalty. [4]

### Second: Definition of wildlife:

Wildlife refers to forms of animal and plant life that are not subject to human intervention.

**Included in wildlife** are what is known as wild creatures: any living or dead organism which scientifically belongs to the animal or plant groups, excluding humans and domesticated or tame creatures.

**Protected areas:** Terrestrial, marine, or coastal sites designated by the competent authority and allocated for the protection and development of wild creatures.

**Importance of wildlife:** Wildlife plays an essential role in preserving the natural balance of life on our planet, whose environment has been destroyed in several areas. Islam has emphasised that the environment should be beautiful and pleasant, free from anything that affects its beauty and splendour. [5]

## 7. MEANS OF PROVING THE CRIME OF ASSAULT ON WILDLIFE

Among the means of proving this crime, and the most important methods recognised by the criminal legislator as means of proving crimes, are: inspection, expert testimony, witness testimony, confession, written evidence, circumstantial evidence, oath, and others. [6]

**Topic Two:** The penalty for the crime of assault on wildlife, and its impact on the economy and sustainable development in the Kingdom of Saudi Arabia...

The principle in Sharia is the permissibility of hunting on land and benefiting from wild plants held in common; because

hunting and benefiting from lawful wild plants and animals is permissible for one who seeks it, by consensus, outside the Sacred Precincts of Mecca and Medina [7], for one not in a state of pilgrimage or 'umrah. And the hunted animal may be eaten if it is lawful to consume in Sharia. [8]

#### **Evidence from the Qur'ān and the Sunnah:**

From the Qur'ān is His saying, the Exalted: {And when you are released from the state of ihrām, then hunt} [Al-Mā'idah: 5/2] — and this is a command after prohibition, which implies permissibility. And His saying, the Exalted: {And hunting on land is prohibited to you as long as you are in the state of ihrām} [Al-Mā'idah: 5/96], and {O you who believe, do not kill game while you are in the state of ihrām} [Al-Mā'idah: 5/95].

As for the Sunnah: what has been established from the Prophet, peace and blessings be upon him, in his saying narrated by Ibn Ḥātim: "If you send your dog and mention Allah's name, and it catches and kills, then eat; but if it eats from it, do not eat, for it has only caught it for itself." [9] *'Muttafaqun 'Alayh'* (Agreed Upon).

#### **8. CONDITIONS FOR THE HUNTER ARE FIVE**

1. That the hunter is among those qualified for ritual slaughter, i.e., whose slaughter is valid in Sharia.
2. That no one partakes in sending (the hunting animal or tool) who is not lawful to hunt.
3. That the hunter intends to hunt, or that the act of sending the predator upon the game occurs. [10]
4. That he does not omit the invocation of Allah's name deliberately, which is a condition according to the majority.
5. That the hunter is not in a state of pilgrimage or 'umrah when hunting on land. [11]

#### **9. THE CONCLUSION**

Hunting is permissible in principle according to legislation, and what affirms the lawfulness of hunting is that it is a form of earning and benefiting from what has been created for mankind, enabling survival and the fulfilment of Sharia obligations. However, obedience to the ruler is obligatory [12], and among the prerogatives of the ruler is the restriction of what is permissible. This is currently observed in the restriction and prohibition of hunting certain wild animals, which has been adopted by Saudi law, which has imposed prohibitions regarding this act. [13]

#### **10. ASSAULT ON WILDLIFE UNDER SAUDI LAW**

**Royal Decree No. (M/165) dated 19<sup>th</sup> Dhū al-Qa'dah 1441 AH** stipulates that no person may engage in hunting without obtaining a licence from the Authority or from one delegated by it, in accordance with what is specified by the Executive Regulations.

Without prejudice to any more severe penalty prescribed by another law, any person who violates the provisions of this law shall be punished—without prejudice to any more severe penalty stipulated by another law—by imprisonment for a term not exceeding ten years and a fine not exceeding thirty million riyals, or by either of these two penalties; for any of the following actions set forth in the law:

1. Discharging untreated sewage or any liquid components, or injecting them into groundwater wells, or into any environmental medium, or in any area of exposed rock formations of aquifer layers, for any reason whatsoever.
2. Discharging or releasing from marine transport vessels any pollutants resulting from ballast water, cargo residues, waste, liquid components, and the dissolution of anti-fouling substances.
3. Disposing of hazardous waste in environmental media.
4. Trading in endangered wild species and their derivatives and products, or killing them, or hunting them.

**Any person who commits for the second time and thereafter—within one year from the previous offence—any of the following acts in violation of the provisions of the law:**

- a. Cutting trees, shrubs, herbs, or plants, or uprooting them, or transporting them, or stripping them of their bark, leaves, or any part thereof, or transporting or eroding their soil, or trading in them.
- b. Killing any living wild animal species in violation of Article (Twenty-Six) of the law. In all cases, it shall be permissible to seize weapons, equipment, and tools used in hunting, as well as the animals and birds that have been hunted, and they may be confiscated if the violation is proven.

**Article Forty-Three stipulates:** The violator must remove the effects resulting from the violation, undertake rehabilitation, and pay compensation, in accordance with what is determined by the regulations. [1]

## 11. CAUSES FOR EXEMPTION FROM THE PENALTY FOR THE CRIME OF ASSAULT ON WILDLIFE

There are four causes by which the penalty for this crime is lifted in Islamic jurisprudence: death, repentance, pardon, and limitation. In contrast, these causes for exemption from penalty in positive law are three: death of the convicted person, pardon, and limitation. Financial penalties, however, are not extinguished by death; the financial penalty is recovered from the estate. [4]

## 12. IMPACT OF THE CRIME OF ASSAULT ON WILDLIFE ON THE ECONOMY AND SUSTAINABLE DEVELOPMENT

It is known that the preservation of wildlife encourages tourism, contributes to economic growth, and stimulates ambition for innovation in developing this field, which is the aim of sustainable development. Sustainable development is concerned with the tourism sector in the Kingdom of Saudi Arabia, and this has its effect in raising the level of production through reliance on the best means to achieve investment. [5]

## 13. CONCLUSION: THE RESEARCH REACHED MANY FINDINGS, THE MOST PROMINENT OF WHICH ARE

1. Wildlife refers to forms of animal and plant life that are not subject to human intervention, and included in its concept are wild creatures: any living or dead being.
2. Wildlife plays an essential role in preserving the natural balance of life.
3. Means of proving assault on wildlife include inspection, expert testimony, confession, and circumstantial evidence.
4. Hunting is permitted in principle by legislation; however, obedience to the ruler is obligatory, and among the prerogatives of the ruler is the restriction of what is permissible.
5. Assault on wildlife constitutes a violation of legal provisions, and the penalty may reach fines amounting to millions, and then imprisonment of varying terms.
6. The preservation of wildlife encourages tourism, contributes to economic growth, and stimulates ambition for innovation in developing this field, which is the aim of sustainable development.

## 14. RECOMMENDATIONS

1. Obedience to the ruler in matters related to the environment and otherwise; dissemination of a culture of wildlife protection.

## 15. ACKNOWLEDGMENT

The authors are thankful to the Deanship of Graduate Studies and Scientific Research at Najran University for funding this work under the Growth Funding Program grant code (NU/GP/SEHRC/13/4-3).

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