

The Agenda for Wildlife Conservation from The Perspective of Maqasid Shariah

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Abstract

The agenda for wildlife conservation is a global agenda supported by all religious beliefs and schools of thought. The International Union for Conservation of Nature (IUCN), founded in 1948, demonstrates the collective concern of nations towards wildlife. Although the teachings of Islam permit humans to engage in hunting activities to fulfill human nature, Islam strongly opposes the phenomenon of wildlife extinction resulting from uncontrolled and poorly monitored hunting activities. Prohibitions in the form of legislation or regulations should be placed under the responsibility of the authorities or the government. However, the form and procedure of the prohibition that is enforced needs to be carefully studied and scrutinized in order to be in line with the will of the Shariah without compromising Islamic principles that require hunting and require the use of animals. This study will thoroughly examine contemporary issues related to wildlife hunting that are debated among scholars and the community. The research conducted is using qualitative methods through observation of a collection of life issues obtained through documentation and semi-structured interviews. Document analysis is carried out by referring to the dimensions of Maqasid Shariah expressed by the scholars and the debate presented through the current fatwa. The findings of the study show that a conducive and comprehensive guideline based on the Maqasid Shariah method needs to be created to unravel the issue of wildlife extinction that is being faced. At the same time, this study tries to prove the superiority of Islamic teachings to interact with current issues across time and location.

Keywords: Wildlife, Extinction, Maqasid Shariah, Current Fatwa

Introduction

Islamic Shariah is comprehensive and complete in regulating the perfection of human life in all aspects. The aspect of environmental conservation is also emphasized in Islam and is addressed in the Quran and Sunnah, whether directly or indirectly. Good care and management of the environment undoubtedly yield comfort and harmony in life, both from

a physical, mental, and emotional perspective. The environment is defined as everything surrounding us, whether on land, in water, or in the air. This includes what is in the forests, consisting of various types of flora and fauna such as trees, plants, reptiles, insects, wildlife, and so on. Everything in this environment is a creation of Allah, originally His right, bound by the laws and regulations set by Allah. These laws of Allah are a trust given to humanity to fulfill. Therefore, the conservation of wildlife is also a trust from Allah entrusted to humans as stewards.

Research Background

Wildlife refers to species of animals that live freely in their natural ecosystems and are not domesticated. Although wildlife is often associated with animal species, the term has been used to encompass all organisms that grow or live wild in their areas without human intervention (Usher, 1986). The role of wildlife as part of life on Earth is associated with four aspects: (1) *Jamal* (beauty and uniqueness); (2) *Nasim* (freshness); (3) *Tawazun* (balance); and (4) *Manfaat* (benefit) (Zaini, 2007).

The existence of wildlife aligns with the element of *jamal*, meaning beauty and uniqueness, serving as evidence of the greatness of Allah's creation. Wildlife, created in various species, serves as a material for humans to contemplate the greatness and magnificence of Allah. Islamic teachings not only regulate the conduct of humans with the Creator and their relationships with each other but also involve their relationships with other creatures, including animals. This is evident from the understanding of *al din*, a form of legislation that addresses the relationship between humans and God, human relationships, and relationships between humans and other creatures (Zaidan, 1987).

As for the element of *nasim* or freshness, it occurs when the environment is well-preserved, allowing permanent and free habitation of animals in their habitats without disturbance or pollution. Similarly, *tawazun* or balance ensures the stability of the environment when both flora and fauna (including wildlife) are well-preserved and managed (Fadzli, 2007). If this balance is disrupted, it not only leads to extinction and damage to the environment but also has negative impacts on human life (Zulkifly, 2010). Prof. Dr. Zaini Ujang states that the balance of ecosystems is the natural *fitrah* to form a dynamic and balanced system filled with various species of flora and fauna created by God. Therefore, humans need to interact with nature and the entire ecosystem in a sacred and orderly manner (Zaini, 2007).

The term *manfaat*, or benefit, refers to the fact that Allah's creation of the environment is for the benefit of humans and can also be linked to the existence of wildlife. The statement by Asfahani (1980), saying that one of the goals of human existence is *al imarah*, realizing the agenda of development and civilization, reflects the idea that development occurs when wildlife is well-preserved and managed. This not only aims for beauty, *naseem*, and *tawazun* but also involves benefits to humans, contributing to the country's economy through various programs such as eco-tourism, eco-education, and others related to wildlife (PERHILITAN Website).

A Muslim with strong faith will undoubtedly strive to preserve nature, including wildlife, based on the primary source of *Maqasid Shariah*, namely the Quran and the Hadith of the

Prophet Muhammad (peace be upon him). Some of the supporting evidence for the conservation of wildlife, both directly and indirectly, is outlined in Table 1 below:

Table 1
Quranic Verses for Wildlife Conservation

Verses	Element	Explanation
Ali Imran: 191	<i>Jamal</i>	Invites humans to contemplate the creation of Allah, what is in the heavens and on the earth. Humans will surely find the greatness of Allah, who created everything in the universe with purpose
Fatir: 27	<i>Naseem</i>	The freshness of the natural environment created by Allah, full of beauty and the blessing of a peaceful life
Al-Hijr: 21	<i>Tawazun</i>	The greatness of Allah in creating everything in the universe in proportion and at specific times.
Al-Isra': 70	<i>Manfaat</i>	The honor of humans with blessings and sustenance granted to them, including the creation of other beings for their benefit.

Research Methodology

This research employs a library research methodology with a qualitative approach that combines both exploratory and descriptive methods. The exploratory research aspect utilizes an investigative focus formula to provide initial insights and identify relevant results (Marican S., 2005). The research applies content analysis as the technique to examine the data, which includes Islamic sources such as Al-Quran and Hadith, as well as relevant journals, seminar proceedings, and scientific books that directly or indirectly relate to the study. The collected data is then processed, organized, and analyzed to draw conclusions.

Findings and Research Discussion

1. Restrictions on Hunting for Wildlife Conservation

The conservation of wildlife, consisting of flora and fauna, is crucial for maintaining ecosystems. In Malaysia, for example, many species are not found in other countries. The biological diversity in this country serves ecosystem services such as regulating weather and climate patterns, hydrological and nutrient cycles, forming soil, and purifying air and water. Each species plays its role in ensuring that the ecosystem remains stable and balanced (Zaini, 2007). Wildlife is also essential for providing information or education to the community, especially to school students. Therefore, the community will have the opportunity to appreciate the diversity of species in the country more closely if this wildlife is protected from extinction. Wildlife also attracts foreign tourists to the country because most animal and plant species found in this country cannot be found elsewhere. This not only contributes to financial gain but also generates intellectual and educational benefits in line with the concept of *iqra'* emphasized in Islam (Mona, 2014).

The prohibition of hunting activities to prevent the extinction of wildlife is based on Maqasid Shariah for the benefit of humanity in the context of *jalbu masalih* (bringing benefits) and *dar'u mafasid* (preventing harm). Here are some fatwas and arguments from scholars that support the enforcement of the ban on hunting wildlife

i. View of Sheikh Yusuf al-Qaradawi

Sheikh Yusuf al-Qaradawi addresses the prohibition of killing animals to preserve their species in his book "*al-Sunnah Masdaran Li al-Ma'rifah Wa al-Hadarah*." He explains that it is necessary to establish a prohibition on killing certain animals if it leads to the extinction of their species. In this regard, Sheikh al-Qaradawi (2002) made a specific statement regarding the conservation of animal species

Islam highly values various forms of living beings (animals, birds, and others) to prevent their extinction.

In this context, he emphasizes that there are hadiths proving Islam's deep concern for wildlife. The meaning of the mentioned hadith is

If it were not for the fact that dogs form a community of creatures, I would have ordered that they be killed. However, what can be killed among them is only the black ones.

It is understood from this hadith that Prophet Muhammad (peace be upon him) does not allow the killing of all dogs, but only those that are black. The term "black dogs" refers to dogs that tend to bite and pose a danger to humans. This shows that killing any animal to the point of extinction is prohibited.

ii. View of Dr. Ahmad Yasin al-Qaralah

An Islamic scholar, Dr. Ahmad Yasin al-Qaralah (2009), also addresses the prohibition of killing animals to preserve their species. He strongly prohibits the killing of certain animals that could lead to extinction. In his writing titled "*Huquq al-Hayawan Wa Dhamanatuha Fi al-Fiqh al-Islami*," he states

Islamic jurisprudence has established that animals have the right to maintain their species; hence, it is not permissible to kill or slaughter them if such actions lead to the extinction of their species.

iii. View of Dr. Soleh Salim al-Nahham

Dr. Soleh Salim al-Nahham (Majelis Ulama' Indonesia, 2014), an Islamic scholar, also discusses the prohibition in his writing titled "*Hathth al-Islam 'Ala Himayat Irsa' al-Tawazun al-Bi'ie*." He states

There are times when mistreatment (such as killing) of certain animals leads to imbalances in the surrounding environment. Many known examples throughout history show that such mistreatment leads to the extinction of certain animal species.

iv. View of Imam al-Khitabi

This perspective reflects the content in the book "*Ma'alim al-Sunan*" by al-Khitabi as quoted in the fatwa of Majelis Ulama Indonesia (2014)

Indeed, the destruction (extermination) of species (animals) is detested, and none of Allah's creations exists without wisdom and benefit.

v. View of the Perak State Mufti Office

The Perak State Mufti Office holds a similar view, emphasizing the need for animal conservation to prevent extinction (Zulkifly, 2018). The argument used is a hadith of Prophet Muhammad (peace be upon him) which states

From Abu Hurairah, he said, "I heard the Messenger of Allah (peace be upon him) say, 'There was a prophet among the prophets of Allah (in ancient times) who was bitten by an ant. He then ordered that the ant colony be burned. Allah revealed to that prophet, 'Only because one ant bit you, you have burned a community that glorifies Allah.

(al-Bukhari)

In this hadith, it is clear that Allah prohibits the killing of the entire ant colony, demonstrating Islam's emphasis on the protection of animals from extinction.

vi. Fatwa of the Indonesian Ulama Council

The Indonesian Ulama Council (2014) issued a fatwa on "Preservation of Endangered Species for Ecosystem Balance" to actively protect endangered animal species such as tigers, rhinoceroses, elephants, and orangutans. Although this fatwa is not legally binding in Indonesia, it is based on Islamic law in its context and provides strong guidance for Muslims on the protection of almost extinct animals.

2. Shariah Evidences Supporting the Prohibition of Hunting

Several fatwas mentioned above focus on the importance of preserving animals, including wildlife, from extinction. Therefore, all forms of hunting are prohibited or restricted to prevent the extinction of wildlife. To strengthen the above fatwas, additional arguments are presented that justify the prohibition of hunting wildlife.

i. Verse 40 of Surah Hud

(Meaning):

(Nabi Nuh a.s continued his mission) until when Our command came and the earth's surface gushed forth with water (indicating the arrival of the flood), We said to Nabi Nuh, "Take into the ark two of every kind of creature (male and female), and take your family, except those for whom the punishment has already been decreed (due to their disbelief), and take those who have believed." And none believed with him except a few.

This verse narrates the story of Prophet Nuh (Noah) and how believers were commanded by Allah to board the ark constructed by Prophet Nuh. All types of animals, in pairs of male and female, were also placed in the ark. The purpose was to preserve the species from extinction. Mohamad (1989) mentioned this in his commentary 'Abr al-Athir:

(The meaning of the verse) take on the ark every animal in pairs, each pair consisting of two genders, one male and one female, so that there will be survivors to reproduce on Earth when all living things are submerged and drowned.

The same concept is echoed by Al-Zuhaili (1991) in his book *al-Tafsir al-Munir Fi al-Aqidah Wa al-Shariah Wa al-Manhaj*

(Interpreting the verse) and We said to Nuh at that time, "Bring into the ark every kind of creature in pairs, male and female, to preserve the offspring of those creatures."

ii. Verse 195 of Surah Al-Baqarah

(Meaning)

And do not throw yourselves with your own hands into destruction.

This verse clearly prohibits engaging in any activity that leads to harm and destruction caused by human actions. Today, environmental degradation phenomena such as pollution in various forms, illegal hunting, and illegal logging have resulted in the imbalance of nature (Sazelin, n.d.). As a consequence, various environmental tragedies and issues have plagued the world, including massive floods, landslides, extreme weather conditions, and the extinction of animal species (Zulkifly, 2010). Therefore, the prohibition and restriction of hunting activities align with the meaning of this verse.

iii. Verses 1-4 of Surah Al-Takwir

Meaning:

When the sun (with its spacious light) is folded up, when the stars fall, losing their lustre, when the mountains vanish, when the pregnant camels are abandoned.

The phenomenon of the destruction of the earth's surface (*al-fasad*) is closely related to environmental degradation. The Day of Judgment is the ultimate impact of human greed damaging the environment by following worldly desires and deviating from religious obligations. Due to neglecting the commandments of religion and engaging in forbidden activities, the stability of the environment is disrupted. As a result, a terrifying and tremendous atmosphere arises, leading to its destruction. Because this destruction is global in nature, it is called the Day of Judgment (*al-Jazai'ri*, n.d.).

iv. Hadith of Prophet Muhammad (PBUH):

(Meaning)

Beware of two who are cursed. The companions asked: Who are those who are cursed, O Messenger of Allah? The Prophet (peace be upon him) replied: The one who defecates in the people's pathways or the places of shade.

(Narrated by Ibn Majah)

Using one of the most important principles of *qiyas* (analogy), the act of defecating produces impurity and filth, which is a pollutant that damages and even destroys the environment. When discarded in various places, it undoubtedly causes pollution, ultimately having a negative impact on human health and environmental well-being. Such activities invite anger,

condemnation, and lead to the person being cursed. Acts like these are prohibited in religion (Al-Banjari, 2008). This prohibition can also be analogized with any activity or behavior that disrupts the harmony of plant and animal life, including illegal hunting. Unlawful hunting will result in the extinction of wildlife species and the destruction of the natural habitat, disrupting the existing ecosystem.

v. Hadith of Prophet Muhammad (PBUH)

Meaning:

Whoever kills a bird or anything larger without a just cause, Allah will ask him about it on the Day of Judgment.

(Narrated by Al Hakim)

The prohibition of hunting can be determined through the qiyas method, where anything harmful to humans should be avoided and, indeed, should be prohibited by law and enforcement. This principle is demonstrated by the Prophet Muhammad's (peace be upon him) concern for environmental pollution during his time (Zulkifly, 2010). Indirectly, the above hadith indicates a prohibition on any activity leading to environmental destruction.

Implementation of Maqasid Shariah through the Principle of Taqyid al-Mubah in Strengthening Prohibitions

The foundation of the hunting ban to prevent the extinction of wildlife is through the implementation of the principle of *taqyid al-mubah*. Taqyid al-Mubah means obligating individuals with a particular matter through the legitimate process of enacting laws by the government, ensuring a balance between the common good and individual interests. The effect of practicing this principle is the restriction of rights originally owned by individuals (al-Alusi, 2001). Scholars unanimously agree that the application of *taqyid al-mubah* is permissible and should be enforced by the government (al-Duraini, 1987).

Sheikh Hisyam bin Abdul Malik bin Abdillah Al-Sheikh (2017) stated in his work titled "*Sultat Wali al-Amr Fi Taqyid al-Mubah*"

...When there is a common benefit encompassing its conditions, and the government deems it necessary to restrict or make it obligatory, the management built upon that benefit is accepted by Sharia, which must be obeyed without any loopholes to avoid it. Based on this, the government has the right to restrict what is permissible when it sees its benefit or makes something obligatory, all after the existence of a common benefit and to prevent harm.

This perspective is also mentioned in fatwa.islamweb.net, Fatwa No. 271141

The scholars have mentioned that the authorities have the right to impose *taqyid al-mubah* if there is a common benefit in it. It should not violate the law (based on *taqyid al-mubah*) as long as it leads to a general benefit. It is mentioned in the book Tuhfat al-Muhtaj, which is one of the books in the Shafi'i school

"It is clear (that one must obey) what is commanded by the authorities. If the general benefit is not apparent, then obedience is based on the apparent (text) only, fearing potential harm. This is different if the benefit is apparent; then, obedience is obligatory both outwardly and inwardly."

Taqyid al-Mubah contradicts the fundamental principles of fiqh because every individual is initially granted complete freedom in their activities as long as it does not violate Sharia law. Islam only allows *taqyid al-mubah* after all its conditions are fulfilled. Its implementation must be examined in terms of its benefit, and its effectiveness must be considered. Through a study of the Prophet's biography (Sirah Nabawiyah), it is found that the practice of *taqyid al-mubah* in the early stages of Islam aligned with its objectives. *Taqyid al-Mubah*, at that time, sometimes served political stability and at other times was related to economic, social, educational system developments, among others (Zaidan, 1982).

In the context of the hunting ban, the implementation of the *taqyid al-mubah* principle to curb the extinction of wildlife species is considered valid from a Shariah perspective. Using this principle, state authorities can enact laws and enforce the prohibition of hunting wildlife. Compliance with and obedience to such directives is a Sharia obligation because the order clearly brings benefit not only to wildlife but also to humans in various aspects. The fiqh principle states

"The government's management of public affairs is based on benefit."

Conclusion

Preserving wildlife through the implementation of hunting prohibitions to prevent extinction aligns with Sharia requirements. The arguments presented by scholars and the authoritative organization's fatwa are supported by Shariah texts, whether from the Quran or hadith. Moreover, the formulation of laws, acts, and guidelines by the government related to the hunting ban is consistent with the fiqh principle of *taqyid al-mubah*. Since this prohibition is an order from the authorities aimed at preserving nature and maintaining ecosystem balance, every Muslim is obliged to obey it, and disobedience to this command is considered forbidden and subject to legal action.

It should be realized that the responsibility to conserve the environment, including wildlife, is a collective duty irrespective of religious background, ethnicity, and nationality. Conservation efforts for wildlife in their natural habitats need to be strengthened to create a conducive environment and minimize conflicts between humans and wildlife that could result in loss of life, injuries, destruction of plants, livestock deaths, and property damage. The mission of IUCN in encouraging and assisting associations worldwide in preserving the integrity of the environment by ensuring the fair and sustainable use of natural resources should be supported by all parties. Similarly, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), also known as the Washington Convention, serves as a platform responsible for ensuring that the international trade of specimens of wild animals and plants does not threaten their survival. Its involvement and unified support from governments worldwide are crucial.

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