

THE IMPORTANCE OF THE ENVIRONMENT AND ENVIRONMENTAL PROTECTION IN ISLAM: A
LEGAL PERSPECTIVE

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PROTECTION IN ISLAM: A LEGAL PERSPECTIVE

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Abstract:

The Islamic law has always placed a great value on the environment and the ways it can be protected. It did not only create and uphold the basic environmental rules and regulations but also created a whole system to protect and nurture the environment in all its aspects and forms.

These rules and regulations first appeared in Quran and Suna'a in its earliest forms as definitions of what consists the environment and how it can be protected. It later expanded to include all concepts and notions that are related to the environment and the ways it can be protected and sustained to ensure the survival of human beings.

Similar to the Islamic laws, the Algerian law has also devoted its attention to the environment and environmental sustainability. The Algerian law and constitution clearly mention and clarify the consequences of violating the rules that ensure environmental protection. Our paper focuses on the environment and its protection and all concepts that are related to it from the perspective of the Algerian law and Islamic teachings.

key words: : environment, Islamic law, environmental protection, Algerian law.

Introduction:

the issue of the environment is one of the topics of a great concern on the international and national arenas alike. Nowadays, the environment is one of the leading topics in the international sphere especially after the grave environmental issues plaguing the world that reflect irrational human activities, excessive consumption of natural resources, and environmental imbalance.

These issues led to many environmental disasters that threaten life on planet earth such as water, air and soil pollution, desertification and the transformation of fresh water into salty areas, disturbance in biodiversity, climate change and global warming

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This prompted the international community to hold urgent conferences to discuss environmental issues and environmental protection. The conferences include the 1972 Stockholm Conference and the Rio Janeiro (Earth Summit) in June 1992, which the United Nations called for and was attended by more than twenty thousand people from 187 countries.

international legal obligations to protect the environment were put in place resulting in many national entities to follow the same path. The Algerian legislators are some among national legislators who issued many laws and regulations related to environmental protection in their respective countries.

Environment protection is no longer only an important issue that needs urgent addressing but also a human right of a great value to the Algerian law. The Algerian law also follows the Islamic legislation preceding attempts to protect the environment that makes the preservation of its elements and components an act of worship, and infringement upon it a punishable sin.

Our paper tries to raise some points to answer the following problem: How was the view of Islamic law on the environment? And what is the nature of the protection that it imposed in order to preserve the environment and its components? And what are the implications of the Islamic law's view on man-made laws, especially the Algerian law?

**THE FIRST TOPIC: THE CONCEPTUAL DEFINITIONS OF ENVIRONMENT
IN ISLAMIC LAWS**

**FIRST REQUIREMENT: THE DEFINITION OF ENVIRONMENT IN ISLAMIC
LAWS**

The word 'environment' in Arabic (بيئة or bi'a) originates from the verb (ba') or (باء) that has multiple meanings that include:

Staying or residing in a particular place. this verb can be found in Quran in Surat Al A'raf, aya 75:

قال الله تعالى (وَبَوَّأَكُمْ فِي الْأَرْضِ)

“...and assigned you an abode in the land”

The verb can also mean using a house as a residence, allowing someone else (a newly wed wife for example) to reside in your house, or residing in a cave or a mountain¹. The verb with this particular meaning can be found in Surat Yunusaya N° 87:

قال الله تعالى (أَنْ تَبَوَّءَا لِقَوْمِكُمَا بِمِصْرَ بَيْوتًا)

“...take, ye twain, some houses for your people in the town...”

¹-Ibn Manzur, Muhammad bin Makram Al-Afriqi Al-Misri, Lisan Al-Arab, Beirut, Arab Heritage Revival House, 1997, p. 36..

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The word environment has multiple definitions whereby no single universal definition is yet established.

The word “environment” does not have a universal definition. How the word is defined depends on how it is approached by scholars in multiple fields of study. In environmental studies, for example, environment is defined by Ibrahim Aissa Suleiman as “the framework in which a person lives, obtains the necessities of his life, and maintains his relationship with other human beings” (18).¹ In Islamic studies, Ahmed Abd Al’ Rahman Al’ Saih provides another definition:

The environment is the place in which a person is born, grows up and lives until the end of his life. Environment includes all natural, biological, social, cultural and economic factors, and everything that affects a person directly or indirectly. (36)²

Other scholars, such as Ghanimi Z. A. approaches environment from a geographical perspective. He defines environment as:

the medium or the spatial field in which a person lives while influencing and being influenced. This medium may expand to include a very large area or it may narrow to consist of a very small area that may not exceed the area of the house in which the person lives. (07)³

subsequently, we can assign two main definitions to the word “environment”. The first definition is a broad definition whereby the environment refers to the space in which nature and humans co-exist and interact. The second definition is restricted to the natural resources such as plants and animals and air that are necessary for human survival.⁴

the word “environment” is neither mentioned in the Holy Quran or prophetic teachings. It is instead referred to using the word “earth” or al ardh (الأرض) in Arabic. Environment, in this context, is the place or the milieu in which human beings live. It includes anything and everything that surrounds the human lives within and outside planet Earth.⁵

According to Islam, the environment cannot be a private property but is rather a public property that belongs to all human being living on Earth. Islam insists upon the protection of the environment as the space that should be maintained to ensure human survival. This is mentioned in Surat al a’raf, verse 85:

قال تعالى (وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ مُؤْمِنِينَ)

“...and create not disorder in the earth after it has been set in order...”

¹-Ibrahim Suleiman Issa, Environmental pollution is the most important issue of the era - the problem and the solution., Cairo, Dar Al-Kitab Al-Hadith, 2002, p. 18.

²-Ahmed Abdel Rahim Al-Sayeh, Ahmed Abdo Awad, Environmental Issues from an Islamic Perspective, Cairo, Book Center, 2004.

³-Ghoneimi Zain al-Din Abdel Maqsood, Environment and Human Relations and Problems, Cairo, Dar Atwa, 1981, p. 07.

⁴-Abdullah Omar Al-Suhaibani, Environmental Provisions in Islamic Jurisprudence, Saudi Arabia, Dar Ibn Al-Jawzi, 2008, p. 25.

⁵-Wahba Mustafa Al-Zuhaili, Islamic jurisprudence and its evidence, Damascus, Dar Al-Fikr, 2009, p. 134.

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Islam also provided a unique perspective of environment where it considers also its importance not only from the spacial dimension but also within its time frame:

قال تعالى (قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ)¹

“Say, "Travel in the earth, and see how He originated the creation....”

This shows that Islam does not only focus on the protection of the environment in the present as the space in which humans live and prosper but also it tries to ensure its continuation throughout time for generations to come.

From an Islamic perspective, the environment is not only the space that must be protected but also a miracle in itself that is worthy of admiration and pondering as means of building a connection with the Creator of both human beings and the environment. This is referred to in Surat al Jathiya, verse 14:

قال الله تعالى: (وَسَخَّرَ لَكُم مَّا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِّنْهُ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ)

“And He has subjected to you whatsoever is in the heavens and whatsoever is in the earth...”

For this reason, Islam insists upon the importance of the environment and the necessity of its protection through many holy texts and religious rules that are meant to reward those who work toward environmental protection and punish those who attempt to threaten environmental balance. Islam considers environmental protection as one of the many responsibilities that were entrusted to the human kind:

قال الله في كتابه- عز وجل (إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمُوتِ وَالْأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا الْإِنْسَانُ إِنَّهُ كَانَ ظَلُومًا جَهُولًا)².

“Verily, We offered the Trust to the heavens and the earth and the mountains, but they refused to bear it, and were afraid of it. But man bore it. Indeed, he is *capable of being unjust to, and neglectful of, himself*”

Firstly: The definition of environment according the prophetic teachings:

In prophetic teachings or sunnah, the root of the word environment in Arabic “bawa’a” (بَوَّأ) is used to refer to two different meanings. The first meaning is extracted from the use of the root as a noun:

قال رسول الله صلى الله عليه وسلم: (من استطاع منكم الباءة فليتزوج، ومن لم يستطع فعليه بالصوم، فإنه له وجاء).

¹Surat Al-Ankabut, verse 21.

²Surah Al-Ahzab, verse 73.

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Messenger (ﷺ) said to us: “O young men, those among you who can support a wife should marry, for it restrains eyes (from casting evil glances) and preserves one from immorality; but he who cannot afford It should observe fast for it is a means of controlling the sexual desire”.

In this Hadith, the root of the word environment is referring to the act of obtaining or securing a space to live. As for the second meaning, the root is used as a verb rather than a noun:

قول رسول الله صلى الله عليه وسلم: (من كذب عليا متعمدا، فليتبوأ مقعده من النار)

the Messenger of Allah, peace and blessings of Allah upon him, said: “Whoever lies upon me intentionally, then let him take his seat in the Fire”

And

قول رسول الله صلى الله عليه وسلم: (اللهم أنت ربي لا اله إلا أنت، خلقتني وأنا عبدك، وأنا على عهدك ووعدك ما استطعت. أعوذ بك من شر ما صنعت، أبوء لك بنعمتك عليّ، وأبوء لك بذنبي. فاغفر لي فإنه لا يغفر الذنوب إلا أنت).

The messenger PBUH said “O Allah, You are my Lord, there is none worthy of worship but You. You created me and I am your slave. I keep Your covenant, and my pledge to You so far as I am able. I seek refuge in You from the evil of what I have done. I admit to Your blessings upon me, and I admit to my misdeeds. Forgive me, for there is none who may forgive sins but You”.

As a verb here, the root of the word environment in Arabic refers to action of settling down in a particular place (in first hadith, settling in hell), the action of entrusting your confession/admitting to someone (second hadith), or the action of the settlement for something (in second hadith, it is settled that Allah has grace upon his subjects).

In Hadith and prophetic teachings, the root of the word environment generally refers to the act of settling in a place or for an idea or a fact or securing a place to live. The meaning changes according to the context but does not deviate from the general meaning.

Secondly: The definition of environment in common laws:

The importance of environment is heavily highlighted in the common laws of many countries around the globe. It is not only mentioned in constitutions and international treaties but is also considered a human right that must be respected.

In international law, for example, the environment is defined in the Stockholm international conference of 1972 as “... a group of natural, social and cultural systems in which humans and other creatures live, from which they derive their sustenance and in which they perform their activities”

This definition insists upon the importance of environment and the inclusion of all and any natural and industrial products that ensure human survival as a part of environment. International law also outlines another dimension of environment which is international environment that describes:

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Everything that surrounds a person affects health. The word environment includes the entire city, its homes, streets, rivers, wells, and beaches. It also includes what a person eats and the clothes he wears, in addition to weather, chemical, and other factors.

It also highlights what is meant by healthy environment by stating that it is the clean environment free of disease-carrying germs and all different pollutants, regardless of their source¹

Internationally, environment is approached from a broad approach whereby no specific definition is yet defined. This explains the multiple national attempts to define environment and its different components.

Thirdly: Environment in different laws around the world countries

Many Arab laws followed the international trend in dealing with environment. It specifically insists upon the broad definition of environment that includes the human impact on environment and its natural and industrial components. The Algerian law for example does not divulge into the detailed components of the environment and what it involves. It instead allows judges and professionals to define the environment depending on which context it is dealt with. The British law and the Egyptian law follow the same path as the Algerian law when it comes to dealing with environment. The broad definition of environment does not deny the human involvement and the impact of human behavior on nature and environment. it represents a more comprehensive definition that is based on comparative legislation which offers a broader protection for the environment. It goes beyond the natural elements of the environment to include human contribution and effort to adapt to nature in a way that both protects the environment and preserves people and increases their well-being,

Some other countries, however, take a narrow approach toward the environment. This approach only acknowledges the natural elements that constitutes the natural surroundings of the human life. It only considers natural elements such as earth, air and water as part of the environment that humans have no influence over. Examples of these countries include Brazil and France.

The Algerian law, specifically Article 04 of Law 03-10 relating to environmental protection within the framework of sustainable development, allows the legislator or judge to deal with environment without necessarily attributing a single definition to it. the Article only specifies the components of environment without defining it: "The environment consists of abiotic and biotic natural resources such as air and... "The atmosphere, the land, the subsoil, the plants and animals, including the genetic heritage and the forms of interaction between these resources, as well as places, landscapes and natural landmarks²".Hence, the Algerian law shows a clear tendency toward dealing with environment in its broad sense.

The Tunisian Law No. 91 of 1987 stipulates that the environment "is the physical world, including the land, air, sea, groundwater, surface water, valleys, former lakes, sabkha, and the like, as well as natural spaces, landscapes, distinguished sites, and various types of animals and plants, and in the capacity of everything that includes the national heritage." Similar to the

¹Ibrahim Suleiman Issa, previous reference, p. 18.

² -Law No. 03-10 of July 13, 2003, relating to environmental protection within the framework of sustainable development, Official Gazette No. 43, issued on July 20, 2003, according to which Law No. 83-03 containing environmental protection was cancelled.

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Algerian law, the Tunisian law also mentions the components of the environment and does not define it.

The Egyptian legislation also follows the same path. this is apparent in Article 1, Paragraph 01 of Law No. 04 of 1994 which states that: "The environment is the atmospheric environment that includes living organisms and the materials it contains, and the air and soil that surround them, and the facilities that humans establish."

In the Kuwaiti Law No. 62 of 1980, the environment is seen as "the atmospheric environment that includes living organisms, including humans, animals, and plants, and all that surrounds them, including air, water, and soil, and the solid, liquid, or gaseous materials or radiation they contain, and the fixed and mobile installations that humans erect."¹

Fourthly: What is confirmed by Islamic law and ignored by man-made legislation regarding the environment

International interest in environment due to the increasing scientific and industrial development in the 21st century has led many countries around the globe to adopt multiple legislations that insist upon the importance of the environment and attempt to protect it. However, these legislations are still lacking in comparison with the Islamic laws in many ways such as²:

- 1- the lack of coherence between countries and the absence of clear indication of what constitutes the elements of environment that needs protection and how it should be protected
- 2- the materialistic approach toward the environment as a source of resources for physical needs that does not consider the humanistic significance of the environment and the way it should be dealt with as such.
- 3- The modern perspective to the environment that indicates an apparent absence of the existence of a divine power that governs the interaction between humans and the environment.
- 4- the definition of the environment only in terms of time and space while ignoring the cultural, historical, spiritual, philosophical, religious, and heritage dimension of environment.
- 5- ignoring the aesthetic significance of environment.

The wide contrast between international laws and Islamic laws shows that the environment holds a great importance in Islam. Islamic laws and teaching insist upon environmental balance:

قوله تعالى (الَّذِي لَهُ مُلْكُ السَّمَوَاتِ وَالْأَرْضِ وَلَمْ يَتَّخِذْ وَلَدًا وَلَمْ يَكُنْ لَهُ شَرِيكٌ فِي الْمُلْكِ وَخَلَقَ كُلَّ شَيْءٍ فَقَدَرَهُ تَقْدِيرًا)³

¹-Al-Jilani Abdul Salam Arhouma, Environmental Protection by Law, Libya, Dar Al-Jamahiriya, 01st edition, 2000, pp. 29-30.

²-Noureddine Heshma, Criminal Protection of the Environment - A Comparative Study between Islamic Jurisprudence and Positive Law -, Master's Thesis, Specialization in Sharia and Law, Department of Sharia, Faculty of Social Sciences and Islamic Sciences, University of Batna, 2005-2006, p. 25.

³ Surah Al-Furqan, verse 02.

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“He to Whom belongs the kingdom of the heavens and the earth. And He has taken unto Himself no son, and has no partner in the kingdom, and has created everything, and has ordained for it its proper measure”.

And

وقوله عز وجل (الشَّمْسُ وَالْقَمَرُ بِحُسْبَانٍ)¹

“The sun and the moon *run their courses* according to a fixed reckoning”

And

وقوله عز وجل (وَأَنْزَلْنَا مِنَ السَّمَاءِ مَاءً بِقَدَرٍ فَأَسْكَنْتُ فِي الْأَرْضِ وَإِنَّا عِنْدَهَا بِهَائِبٌ لِّقَدَرُونِ)²

“And We sent down water from the sky according to measure, and We caused it to stay in the earth and surely it is We Who determine its taking away”

These verses show that the universe is meticulously organized according to a divine system that ensures the coexistence of humans and the environment. Therefore, environmental protection is of the religious humans' duties on earth and a part of the worship acts that are entrusted to them.

Islam does not deny that the environment, including living and non-living creatures, are harnessed to serve humans. This is mentioned in Quran in Surat Luqman verse 21:

يقول الله عز وجل في كتابه العزيز (الْمَثَرُوا أَنَّ اللَّهَ سَخَّرَ لَكُمْ مَّا فِي السَّمٰوٰتِ وَمَا فِي الْأَرْضِ وَأَسْبَغَ عَلَيْكُمْ نِعْمَةً ظٰهِرَةً
وَبَاطِنَةً)

“Have you not seen that Allah has pressed for you into service whatever is in the heavens and whatever is in the earth, and has completed His favours on you, *both* externally and internally?...”

However, humans are also entrusted with Earth and everything on it. This means that humans, according to Islam are not the owners of Earth but are rather its inhabitants whose duty is to protect it

Islam also mentions the aesthetic value of the environment asking humans to admire its beauty:

يقول الله عز وجل في كتابه الكريم: (الَمْ تَرَ أَنَّ اللَّهَ أَنْزَلَ مِنَ السَّمَاءِ مَاءً فَأَخْرَجْنَا بِهِ ثَمَرَاتٍ مُّخْتَلِفًا أَلْوَانُهَا وَمِنَ الْجِبَالِ جُدَدٌ
بَيضٌ وَحُمْرٌ مُّخْتَلِفًا أَلْوَانُهَا وَغَرَابِيبُ سُودٍ ۚ ۲٧ وَمِنَ النَّاسِ وَالْأَنْعَامِ مُخْتَلِفٌ أَلْوَانُهُ كَذٰلِكَ إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَآءُ
إِنَّ اللَّهَ عَزِيزٌ غَفُورٌ)³

¹ Surat Ar-Rahman, verse 06.

² Surat Al-Mu'minun, verse 19.

³ Surat Fatir, verses 28-29.

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“Dost thou not see that Allah sends down water from the sky and We bring forth therewith fruits of different colours; and among the mountains are streaks white and red, of diverse hues and others raven black; (28) And of men and beasts and cattle, in like manner, there are various colours? Only those of His servants who possess knowledge fear Allah. Verily, Allah is Mighty, Most Forgiving (29) “

Islamic laws did not only focus on the different dimensions and elements of environment that were ignored in international laws but it considered its importance as a tool for human survival that must be respected and protected. It also insisted upon the relationship between humans and the environment and how the environmental protect must be prioritized and ensured.

**SECOND REQUIREMENT: ENVIRONMENTAL PROTECTION IN ISLAMIC
LAWS AND ITS PROJECTION THROUGH COMMON LAWS**

Firstly: the biggest environmental issues and problems

The discussion of the most important environmental issues and problems within the context of the Islamic law, it is first necessary to discuss them in a general context. Generally, environmental issues are those violations caused by humans that include the misuse of natural resources, the technological advancement that threatens the environment, and any human behavior that is not systemically designed with environmental protection in mind. One of the biggest environmental issues is pollution.

Pollution is an environmental issue that is considered the most threatening to the environment. Pollution is linguistically defined as throwing away any type of waste in natural spaces. In this paper, pollution is dealt with from a scientific perspective whereby it is defined as the act of making earth, water or air unusable or chemically dangerous for consumption or usage by humans, animals and plants. It is any qualitative or quantitative change in the chemical components of structure of natural resources that cannot be contained by nature and leads to environmental imbalance.¹

This perspective also includes non-human behavior and natural phenomena such as volcanic disturbances and natural disasters. However, it focuses on human actions that lead to pollution. There are three types of pollutions:

- 1- Water pollution: it is considered the most critical among the three types. Water pollution is any damage or spoilage to the quality of water that leads to a disruption in its ecosystem in one way or another. this reduces its ability to perform its natural role, so that it becomes harmful when used and it loses its economic value². Water pollution is directly linked to diseases, infections, and deforestation. It also primarily affects the aquatic life and the natural balance of sea creatures and plants.
- 2- Air pollution: it is the biggest threat to human, animal and plants life especially in areas of a close proximity to industrial zones. Air pollution is caused by chemical radiation, smoking, forest fires, gas emissions, arson...etc.

¹Rabie Atallah, et al., Public Health and Environmental Protection, Amman, Jordan, Al-Quds Open University Publications, 2007, p. 651.

²Residential Seminar International Environmental Law Water Pollution, London, Graham and Trot Man, 1993, P 23.

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- 3- Earth pollution: it is mostly the damage to dirt or earth that leads to the disruption of environmental balance and the quality of agricultural spaces that can be seen with the naked eye. It is the most obvious type of pollution as it describes the existence of unnatural items within natural spaces such toxic waste, chemical waste, the overuse of chemical fertilizers

Pollution is not the sole environmental issue that plagues planet Earth. Another serious issue is the depletion of natural resources due the human overconsumption of resources that exceeds the needs and cannot be recovered within its natural cycle.

Recent environmental imbalance that led to acidic rains, global warming, sea level rises, and the erosion of the ozone layer is a direct consequence pollution and the depletion of natural resources. Both of these issues that a reflection of human behavior that require urgent attention and necessary regulation to protect the natural ecosystem and the environment.

Secondly: environmental protection in Islamic laws

Islam is among the first systems to call for environmental protection as a human right. Environmental protection is not only a right but also an individual contractual duty of every Muslim¹. Environmental violation on the other hand is considered an act of fasad (فساد) or corruption that is frowned upon and punished:

قوله تعالى (وَلَا تَبْغِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ)².

“...and seek not to make mischief in the earth, verily Allah loves not those who make mischief”

Environmental protection is also an act of faith. Many verses in Quran insist upon protecting the environment and appreciating it as a blessing to be enjoyed, maintained and protected. The Quran verses also predict what environmental violation can cause:

وجاء في قوله تعالى (ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ)³

“Corruption has appeared on land and sea because of what men's hands have wrought, that He may make them taste *the fruit* of some of their doings, so that they may turn *back from evil*”

This verse shows that environmental violation has direct consequences on humans themselves whereby every violation is experienced by humans as a later imbalance to their quality of life.

Prophetic teachings also insisted upon the necessity of environmental protection. Prophet Mohamed PBUH mentions how every life form is holy and should be respected and protected. Every violation, on the other hand, is punished and frowned upon. This includes the story of the woman whose fate is to be tortured in hell for animal cruelty and refusing to feed a cat that she locked in her house. It also includes the story of a man who was prophesized to enter heaven for

¹Sari Zaid Al-Kilani, Environmental Care Measures in Islamic Sharia, Journal of Sharia Sciences and Law Studies, Volume (41), No. 2, 2014, p. 1212.

²Surah Al-Qasas, verse 78.

³Surah Al-Rum, verse 42.

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his kindness toward a thirsty dog. The prophet PBUH links between environment protection and faith:

قوله صلى الله عليه وسلم (الإيمان بضع وسبعون شعبة أعلاها قول لا إله إلا الله، وأدناها إمطة الأذى عن الطريق) رواه مسلم.

The Prophet (ﷺ) said, "Iman has over seventy branches - or over sixty branches - the uppermost of which is the declaration: 'None has the right to be worshipped but Allah'; and the least of which is the removal of harmful object from the road..."

Thus, whether it is Quran or prophetic teachings, Islam has always considered environmental protection a vital part of faith and religious piety. It considers the environment with its living and non-living creatures a place that should be protected, respected and admired by humans.

Thirdly: environmental protection in the Algerian law

The Algerian government has showed its interest in environmental protection. The sustainable development legal clauses, for example, show the significance of the environment to the Algerian government. The latest amendment of the 1996 Algerian constitution specifically states that the issue of the environment is ought to be constitutionalized within the framework of sustainable development: "The Algerian people adhere to their choices in order to reduce social disparities and eliminate regional disparities and work to build a productive and sustainable economy. Within the context of sustainable development, the Algerian people remain concerned with the deterioration of the environment and the negative consequences of climate change, and are keen to ensure the protection of the natural environment and the rational use of natural resources, as well as their preservation for the benefit of future generations."¹

There are also other laws that are concerned with environmental protection:

- Law 03-10 relating to the protection of the environment within the framework of sustainable development.
- The Algerian Environmental Protection Law No. 03/83 of 02/05/1983 relating to Protecting the environment (repealed) that is based on many basic principles and important considerations. According to this law, the legal treatment of the environment was carried out in accordance with:
 - o Considering environmental protection as a public interest protected by law.
 - o Taking the environment into consideration in advance, which is what is legally termed impact studies.

Other laws are related to the inclusion of sustainable development through legal texts, including:

- Law No. 01-20 relating to territorial preparation and sustainable development
- Law No. 03-01 relating to the sustainable development of tourism
- Law No. 04-03 relating to the protection of mountainous areas within the framework of sustainable development

¹Constitution of the People's Democratic Republic of Algeria, Official Gazette No. 76, dated December 8, 1996, amended and supplemented by: according to its last amendment for the year 2020.

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- Law No. 04-20 relating to the prevention of major risks and the management of disasters within the framework of sustainable development
- Law No. 11-02 relating to protected areas within the framework of sustainable development

In addition to other laws that stipulate the protection of the environment, including Law No. 90-29 relating to planning and amended reconstruction. And the supplement, as well as Law No. 11-10 relating to the complementary municipality, and Law No. 12-07 relating to the state.

Law No. 03-10 relates to environmental protection within the framework of sustainable development. it includes eight chapters. The first chapter includes general provisions. the second chapter stipulates tools for managing the environment. there is also an important sixth chapter that includes the intervention of individuals and associations in the field of environmental protection.

the third chapter includes the requirements for environmental protection, which in turn includes six chapters. The first chapter includes the requirements for protecting biological diversity. As for the second chapter, it concerns the requirements for protecting the air and the atmosphere. The third chapter, in turn, includes the requirements for the protection of water and aquatic environments. the fourth chapter includes the requirements for the protection of the land and the subsoil. the mechanisms for protecting desert environments is included in the fifth chapter.

Chapter Four of Law No. 03-10 deals with protection from damages, Chapter Five includes special provisions, and Chapter Six is the study of penal provisions which includes various punishments to those who commit environmental violations. As for Chapter Seven, it deals with research and inspection of violations and Chapter Eight includes final provisions.

In addition to the administrative bodies and judicial bodies in the field of environmental protection, the Algerian government has also created special security services that are specialized in environmental protection. These services are empowered by law to protect the environment and monitor and detect environmental violations. These services include: The Urban Police and Environmental Protection Units¹ which were created by Decision No.: 5078 dated 05/08/1983 at

¹We point out that there is no definition in the legal texts for the term urban police. There are some researchers, including Dr. Muhammad Al-SaghirBaali, who believe that the urban police are a type of judicial police as they are affiliated with the National Security Service. Legislative Decree No. 94-07 related to: According to the conditions of architectural production and the practice of the profession of modified and completed architect, they are “judicial police. Arabi Bayyazid considers the construction strategy in light of the Algerian development and reconstruction law, a thesis submitted to obtain a doctorate degree in law, specializing in real estate law, Department of Law, Faculty of Law and Political Science, University Batna, University Year 2014/2015, footnote, p. 288. The urban police is defined as: “an executive body that ensures the implementation of legal texts that make acts affecting urban areas illegal. It specializes in embodying the legal texts.” Mazouzi Al-Kahina looks at the extent of the effectiveness of urban laws in Confronting the risks of natural disasters in Algeria, a memorandum to obtain a master’s degree in legal sciences, specializing in administrative law and public administration, Department of Law, Faculty of Law and Political Science, University of Batna, academic year: 2011/2012, p. 110..

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the level of Algiers, and then extended to the rest of the states. The activity of this device was frozen in the year 1991 pursuant to Decision No.: 1435 dated: 07/21/1991 due to the security situation in that period. However, the growing phenomenon of chaotic construction and the increase in violations related to the environment required an order from the Ministry of the Interior to resurrect these units, the Urban and Protection Police. Environment” again, starting in 1997 in the capital and expanding it in 1999 to all its affiliated departments, and beginning in April 2000, these units were reactivated at the level of the most important major cities namely: Oran, Constantine and Annaba. The security services began functioning as soon as their teams and units were distributed in August 2000 throughout the national territory.¹

The role of the “Urban Police and Environmental Protection” units, in coordination with local technical departments², are to implement the law and regulations in the field of urbanization and environmental protection. The tasks of the Urban and Environmental Protection Police can be summarized as follows³:

- Ensuring the implementation of legislative and regulatory provisions in the field of development, reconstruction, and environmental protection. Its activity is characterized by preventive and deterrent functions, as it was granted the authority to conduct prior and subsequent oversight to control violations related to development and reconstruction on the one hand, and to deter their perpetrators, on the other hand in accordance with In Law No. 90-29 regarding development and reconstruction, amended and supplemented.
- aiding the state agents and municipal agents in charge of administrative control of construction works, especially in the event that they are exposed to harassment and obstacles that reduce and restrict their professional performance.
- Organizing awareness campaigns for the benefit of citizens, in coordination with the media.
- Ensuring the beauty of cities, communities and residential neighborhoods by preventing all forms of disorderly construction and illegal exploitation of lands, and informing the competent authorities of all forms of disorderly construction.
- Combating all displays of violations that affect the environment, hygiene, and public health, issuing reports against violators after inspection, and controlling the field through patrols and surveillance operations.

¹See Hassouna Abdel Ghani, Legal Protection of the Environment within the Framework of Sustainable Development, a thesis to obtain a Doctorate of Science in Law, specializing in Business Law, Department of Law, Faculty of Law and Political Science, University of Biskra, University Year: 2012/2013, p. 107. Hanan Messaoui, Mechanisms for protecting national property, a thesis to obtain a doctorate degree in public law, Faculty of Law and Political Science, University of Tlemcen, academic year 2014/2015, pp. 294, 295. Legal Sciences, Specialization: Real Estate Law, University of Batna, University Year: 2008/2009, p. 115. Al-Sadiq Ben Azza, The Role of Administration in

²the Field of Implementing Urban Provisions in Algerian Legislation, a memorandum submitted to obtain a Master’s degree in Legal Sciences, Specialization: Administrative Law and Public Administration. Department of Law, Faculty of Law and Political Science, University of Batna, University year: 2011/2012, p. 159.

³See Hassouna Abdel-Ghani, op. cit., p. 108, Hanan Misawi, op. cit., p. 295, Takawat Kamal, op. cit., p. 116. Al-Sadiq bin Azza, previous reference, p. 159.

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Conclusion:

This paper sheds light on the issue of the environment in Islamic law (status - protection) with an emphasis that the environment is a human right that should be sustained and protected. the conceptual framework of the environment in Islamic law is addressed in the first section. Within the context of the environment, Islamic laws seem to precede nowadays international laws in its focus on environmental protection. The future vision of Islamic laws and its uniqueness are discussed in the second axis.

In conclusion, islamic laws are unique and visionary when it comes to the environmental issues and environmental protection. It provides regulatory framework for a safe and secure environment. The most important results of the study are:

- The comprehensiveness in the concept of the environment according to Islamic law includes humans, animals, plants, land, water, and air, and places humans at the top of these things that are harnessed to serve them.
- The failure of laws and conferences to find a solution to protect the environment from pollution is mainly due to the absence of a relationship between humans and legislation related to environmental protection.
- Islamic law makes environmental protection part of the faith, and this link is missing in other forms of legislation.
- Islamic law pays attention to the dimensions of environmental protection, and this is what statutory laws need.

Our recommendations are as follows:

- Environmental protection must be placed in accordance with Islamic principles within a legal framework, and made of an international character.
- An awareness method must be followed in order to spread environmental awareness.
- establishing structures and institutions at the international and local levels concerned with protecting the environment according to well-structured and well-researched scientific plans.

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