

Saudi Arabia's Legal System for the Development and Preservation of Forests Based on the Principles of Islamic Law

Ali Abduh M. Osaimi Hakami¹, Yahya Saleh Hasan Dahami²

Abstract

Islamic law, or Shari'ah, pays close attention to all issues that are beneficial to people's religious and secular lives. Furthermore, because Sharia law is comprehensive and all-encompassing. The purpose of these appropriate and well-defined regulations for the growth and preservation of forests, as well as the way in which they are used in Saudi laws and provisions concerning the same subjects, was to demonstrate how closely these statutory laws and provisions are tied to and grounded in Sharia. The aforementioned laws and regulations demonstrate the Saudi Arabian government's keen interest in the development and preservation of its forests. It supports any pertinent policy and measure aimed at organizing this development, drawing on the primary statutory sources—the Qur'an and the Sunnah—as well as the enacted statutory provisions pertaining to forests.

Keywords: *Development, Law, Environment, Benefit, Protection.*

INTRODUCTION

Allah created resources and made them subservient to man, and made it easy for him to use them and enjoy their benefits without extravagance, squandering, or waste. He said, "And it is He Who produces gardens trellised and untrellised, and datepalms, and crops of different shape and taste (its fruits and its seeds) and olives, and pomegranates, similar (in kind) and different (in taste). Eat of their fruit when they ripen, but pay the due thereof (its Zakat, according to Allah's Orders 1/10th or 1/20th) on the day of its harvest, and waste not by extravagance. Verily, He likes not Al-Musrifoon (those who waste by extravagance)" (Al-Hilali et al., 1997, pp. 193-194, verse 141 of Surat Al-An'am). Allah Almighty has put the earth in order for us to produce what Allah has pleased for it, so it is not permissible for the believers to sabotage and destroy it. So Allah said: "And do not do mischief on the earth, after it has been set in order, and invoke Him with fear and hope; Surely, Allah's Mercy is (ever) near unto the good-doers" (Al-Hilali et al., 1997, p. 209, verse 56 of Surat Al-'Araf). Allah has condemned extravagance in many places in the Holy Qur'an and commanded fairness in dealings. The believers must follow the directions of the authorities who know how to preserve the goodness of the land and not treat it excessively by cutting down trees, overgrazing, and destroying Allah's creation (Preserving natural resources and investing in them in a sustainable manner, announcing the strategic plan for forests in the Kingdom, 2023; National Forest Strategy and Action Plan in the Kingdom of Saudi Arabia).

Allah has blessed the Kingdom of Saudi Arabia with the ability to enact laws and regulations in all areas of life based on Sharia (Islamic law). Praise be to Allah, and prayers and peace be upon the Messenger of Allah, his family, his companions, and those who followed him. Given that, the state's constitution is based on the Sunnah and the Holy Qur'an. Additionally, in order to realize and accomplish the main reason for its existence on Earth, the goals and regulations of Sharia have guaranteed the regulation of all spheres of religious and worldly life, including the development of the environment and its components in general, and the forests in particular.

The Kingdom of Saudi Arabia has enacted laws and policies pertaining to the preservation of environmental elements generally and the growth and defense of forests specifically. The following actions have been taken by the Ministry of Agriculture: The Kingdom of Saudi Arabia's national forest policy and action plan. The Saudi Green Initiative and the Green Middle East, the National Center for the Development of Vegetation Cover, the oversight of the management, investment, and preservation of forests and national parks, the adoption of

¹ Lead Researcher, Department of Sharia, College Sharia and Fundamentals of Religion, Najran University, Najran, KSA, E-mail: ahakami@nu.edu.sa ; d7akmi@gmail.com

² Associate professor, Faculty of Arts and Humanities, Al Baha University KSA, E-mail: [yadahami@bu.edu.sa](mailto:ydahami@bu.edu.sa) , dahami02@gmail.com

an anti-desertification program with its pertinent activities, such as the initiative to develop the capacity to prepare for drought and lessen its severity, and other projects and initiatives were listed in the 2030 version. transgressions and infractions, penalize the offenders and transgressors, and then take part in the World Forest Day on March 21.

Since it is challenging to extrapolate the Sharia's goals and regulations that are primarily responsible for the development and preservation of forests, this second scientific paper, "The parameters of Islamic law and their applications in the law followed to develop and protect forests in Saudi Arabia," serves as an adequate means of illustrating the Sharia's influence and applications in environmental law and its practical code, which includes a number of forest-related regulatory provisions.

RESEARCH SIGNIFICANCE AND ITS RATIONALE

Apart from the previously mentioned points, the significance of the subject and its reasoning can be comprehended from the following:

Highlighting how the Islamic Shari'ah places a high value on the growth and preservation of forests.

Highlighting the Shari'ah's branch and root approach to dealing with various spheres of existence.

Stressing how desirous the Islamic Sharia's is to preserve all that will beautify and protect the earth.

Emphasizing the consideration that the Kingdom of Saudi Arabia's statutes give to the growth and preservation of forests.

Stressing the Saudi legislators' reliance on the nation's constitution, which was founded on the Qur'an and the Sunnah.

RESEARCH OBJECTIVES

Helping to increase and disseminate understanding of the importance of forest development and preservation.

Emphasizing the Kingdom of Saudi Arabia's responsibility for the preservation and growth of the forests.

Emphasizing that the laws and regulations that have been passed are a continuation of the Sharia's provisions that provide legal support for the growth and preservation of forests.

Outlining the constitutional and regulatory distinctions between the Kingdom of Saudi Arabia with regard to the development and preservation of its forests.

RESEARCH LIMITATIONS

The constraints of the study are limited to the prohibitions included in the Qur'an and the Sunnah, as well as the Saudi legislation concerning trees.

RESEARCH PROBLEMS:

What guidelines does Sharia law mention and suggest for the growth and preservation of forests?

What are the ways that Saudi Arabia's environmental laws and Sharia regulations are applied to promote the growth and preservation of forests?

To what extent do the provisions of the Saudi constitution contribute to the growth and protection of forests?

LITERATURE REVIEW

Academic studies or other types of scholarly literature abound on the subject of forests and the environment and its constituent parts. This work differs from other research, nevertheless, because it establishes a direct correlation between the general and specific passages of the Shari'ah and the current statutory requirements implemented in the Kingdom of Saudi Arabia, and the topic of forest development and protection.

RESEARCH METHODOLOGY

The primary research methodology employed in this study was the simple inductive approach, which was combined with the descriptive method to draw conclusions from the environmental legal framework and the most notable sharia rules pertaining to the research topic.

RESEARCH PLAN

Two issues plus an introduction comprised the research.

The introduction outlines the significance of the subject, its justification, its goals, the challenges and constraints of the research, the literature review, the research technique, and the research plan.

First issue: a summary of the research title's most crucial terminology.

Problem 2: Outlining the boundaries of Sharia law and how it applies to Saudi environmental statutes.

Conclusion: a summary of the research's most important conclusions and suggestions.

First issue: a definition of the key words in the research title. The research's title contained several terms that needed clarification. To facilitate comprehension of the contents in the second issue, the following words are crucial to know:

Definition of the Term Parameters

Language parameters: the plural of a sign parameter, which is derived from everything its assumption; religion parameter: its signals; so, knowledge: the characteristic; and sign: the plural of signs (1) To put it simply: the anecdotal and empirical data that serves as the foundation for the curriculum's extension and connection. (2)

Secondly / Definition of the Term Applications

Translation: "applications" is the plural form of "application," which means "the thing outstretched" (3) and "the whole space it covered." It also has other connotations, such as "agree," "approval," and "hitting or achieving the target."

To use technical terms, "application" refers to problems and situations involving scientific or legal decisions or the like.

Third: Definition of the Term "Forest".

The word "forest," which can refer to more than one forest, refers to a location with tightly coiled trees. It was given this name because the trees cover up its contents.(4) A term used in the ecosystem to describe a large number of plants and trees, whether they are naturally occurring or have been cultivated by humans, that are composed of one or more types of trees, shrubs, or herbaceous plants in a pure state, or mixed with a shrub density of not less than (10%) of the site's area.

Issue 2: The Parameters of Islamic Law and Their Applications in the Legal System Followed to Develop and Protect Forests in Saudi Arabia

Whether they fall under one of these categories or another, fundamentalist, jurisprudential, or intent laws—i.e., having a specific meaning or purpose—many sharia laws support and emphasize the growth and preservation of forests. Likewise, laws and regulations apply to the controls. Since the goal of the research is to elucidate the parameters of the sharia rules that pertain to and emphasize the development and protection of forests while highlighting their applications in the ecosystem, it is sufficient for me to apply—briefly—four parameters of the general or most sharia rules, through which the goal of this scientific paper is achieved. The Sharia law, in its entirety or most of it, can be applied to the legal system or law governing forest development because of its comprehensiveness and validity for every time and place and because the number of these rules exceeds the limitation in several scientific papers.

Parameter 1 / Rule: Taking into Account the Interest We Can Gain

Benefiting humanity at all times and locations is one of the tenets of the universal Sharia. As such, gathering all advantages and preventing all damage constitutes a benefit and is referred to as (1) interest.

Furthermore, Sharia law serves to further the legislative goal of upholding the five requirements of religion, life, the mind, children, and money. Anything that helps with these needs and protects against corruption stems from an interest.(2) Al-Shatib declared: "The people's immediate and future interests are the only reasons laws are enacted. Ibn Al-Qayyim added, "The Shari'a is all justice, all mercy, all interests, and all of its rulings. It is based and relied on judgment and the interests of the people in this life and the next." Every problem veers from (1) wisdom to absurdity, from fairness to injustice, from mercy to its reverse, from interest to harm.

Thus, the primary goal of Sharia's is to protect mankind from any harm and to maximize its benefits (2).

It is essential that the rule of bringing benefits and averting harm include the development and protection of forests when it comes to the interests of the people, bringing them good things and awarding off bad ones, and when the forests were among those that interest and benefit people, to bring its benefits and award off its harms. From this vantage point, we discover that the environmental law in Saudi Arabia contains specific legislative provisions and articles that address the growth and preservation of forests, advancing human interests, and preventing harm from them. Some of these laws are as follows:

A national strategy for the sustainable management of forests must be prepared and put into action, according to Article 6 of the executive regulations for the development of vegetation cover and the prevention of desertification. B. Designating and assigning protected forests in order to maintain, develop, or restore them; publicize them and implement the required safeguards, such as fencing and posting boundary and indicator signs on them (grazing is forbidden in the following areas: A: Forests under protection. b Neglected woodlands that the center has designated. C: The forests defined by the center, where a fire has destroyed the trees or where cultivation has not occurred in less than 10 years. D: Forests designated by the center, where research and investigations are carried out. e) Forests that are farmed.

As stated in Article Twelve of the Environmental Law, which states that: (It is not permissible to own the lands of forests, pastures, and national, wild, and geological parks, in any manner of disposal)—all of the provisions of the aforementioned laws and codes fall within the interest and prevention of harm. Transfer of ownership), and (It is forbidden to trespass on the grounds of pastures, woods, and national, wild, and geological parks, either by establishment or enlargement).

Parameter 2 / Rule: Considering the Purposes and Consequences (Outcomes)

Considering the outcomes refers to keeping track of the action's relevance after it has happened and any potential fallout. The reason for this is that the mujtahid does not judge an act of the responsible people in the light of sharia with committing it or refraining from it until after looking at what the consequence of this deed has. This is a sweet aspect of the mujtahid which is hard on the resource, except (1) that is sweet in taste, has good result, and is in accordance with the objectives of the Sharia, according to Al-Shatib.

Because of this, Sharia was as concerned with the means as it was with the ends. It therefore resolved to plug any gaps with its controls over the means that cause corruption or harm both now and in the future, and it also authorized the use of pretexts in accordance with its controls over the means (the forbidden) that serve the sharia-compliant interest.

Furthermore, because the Kingdom of Saudi Arabia's statutory laws are derived from Islamic Sharia, all state-approved laws and provisions are subject to the control and guidance of Sharia. Among these laws and provisions are those that have a particular focus on the preservation and growth of forests.

The most notable of these are as follows: (The following center undertakes: a- Preparing and implementing a national plan for the management of pastures. b- Allocating a pastoral reserve for the purpose of rehabilitation and sustainable management thereof, and undertakes to fence it off or set boundary or indicative signs and any other means to protect it.) The legislators and lawmakers in Saudi Arabia passed several laws for the development of vegetation cover and launched anti-desertification programs in addition to including special

controls for rangelands in Article VII - paragraph (1-7). c) Creating and carrying out an action plan to restore the pastoral reserve that has deteriorated. e) Creating a grazing schedule that takes into account pasture capacity, climate data, and other factors. In addition to other guidelines and restrictions, the plan details the areas that allow grazing, the ideal time for grazing, and the kinds and quantities of animals that are allowed to graze.

In order to allow for grazing and the use of pasture areas within the vegetation cover, the code (a collection of rules and laws) also forbade grazing in the land border areas designated by the code, as well as in the sites of coastal trees, except under specific circumstances and under the pretext of overuse.

Furthermore, Article Eight, Paragraph (8-2) - (d) of the code of regulations states that the placement of educational and warning signs in various park locations is intended to raise visitor awareness, preserve park components, and specify the penalties and fines that will be imposed for violating the law and regulations. (the rule of action and its outcomes).

The Environmental Code's Article 16 states the following: 1. In accordance with current legislation, it is illegal to engage in any kind of activity or work inside the boundaries of the vegetative cover without first obtaining a permit or license. 2. Any activity or operation on land that is part of an urban area and has vegetation under the supervision of the relevant authority is forbidden without a permit or license, in compliance with the current legislation.

The Third Parameter: Rule of / Harm Removal or Harm Prevention

What is not expressly mentioned in the Shari's provisions and rules is nonetheless covered by the general guidelines and supporting documentation. This is due to the fact that Sharia is all-inclusive and comprehensive, meaning it cannot address every topic. There are general guidelines that certain individuals may apply to specific issues in order to obtain specific laws and requirements. "Harm must be removed or lifted" and "There should be neither harming nor reciprocating harm in Islam" are two of these important general rules. This basic rule covers thousands of issues, including injury. This section contains numerous rulings and statutes that the Saudi legislators issued concerning the growth of forests and their preservation. These fall under this basic sharia rule or provision, for instance:

Article Nineteen of the Environment Law makes it quite explicit what can damage vegetation-covered lands and upset their natural equilibrium, namely the following: 1. Felling trees, shrubs, herbs, or plants, or uprooting, shifting, or removing any portion of their bark, leaves, or other coverings; carrying or abusing their soil, either for commerce or financial gain 2. Stowing garbage inside of them, burying them, burning them, or disposing of them somewhere else than the locations that the appropriate authority has specified. 3. lighting fire within them in locations other than those that the appropriate authorities has designated for that purpose. 4- Destroying its movable or fixed facilities, tampering with their borders or indicating signs, or chopping down or destroying the fences inside that were erected by the appropriate authorities. 5. Grazing at times and places that the appropriate authorities have prohibited. 6. Inject any type of gaseous or fungal organism that is damaging to the environment or animal into them.

The general rule that declares, "There should be neither harming nor reciprocating harm," is what the environmental law system (rules and provisions) outlines in order to maintain and develop forests while upholding private property rights. When Article 29 is published, it specifies that the Council of Ministers designates and determines protected areas. Unless the right holder waives his right, the decision is based on the proposal of the competent authority on land that is not privately owned and on which no one has the right of jurisdiction, concession, or reservation. If any of these exist, the protected area map must be amended, or an alternative must be assigned to it. This is done in accordance with the current regulations.

The executive regulations' second article, which addresses the enforcement of Article 43's provisions for the development of vegetation cover and the prevention of desertification, states that the violator must, within 60 days of being notified of the violation, remove its effects and pay the full amount of compensation estimated by the center.

As specified in the executive regulations' Article Fifteen, "Procedures for the Disposition of Seizures," which states that when resources are destroyed, such as exotic and invasive plant species, the harm they cause to the forest as a whole must be mitigated or prevented.

Parameter 4 / Rule: The Validity of People of Power's Actions Hinges on Their Benefit

With its set of regulations, the Islamic Sharia guarantees one of the most important norms of Sharia politics: this one. The Messenger of Allah (ﷺ) declared, "You are all his guardians and are in charge of his charges. All of you are guardians and accountable for your charges; the ruler who rules over people is a guardian and responsible for them; a man is a guardian and accountable for his family; a woman is a guardian and accountable for her husband's house and children; a slave ('Abu) is a guardian and accountable for his master's property. "First of all (1).

The hadith demonstrates that Islamic Sharia held the Immams (those in positions of authority) accountable to their subjects and gave them the authority to manage their nations' affairs in a way that served their own interests and prevented corruption or other evils that were prescribed by the Sharia. Proven right decisions, the application of penalties that serve the intended legitimate goal, and other factors that provide the imam with justification to handle matters in a way that advances the Sharia's objectives. Because of this, the rulers have the authority to impose restrictions on what is permissible as long as doing so advances the goals of Sharia law. They also have the authority to enact laws that do not contradict legitimate, established rulings from Sharia, as well as to impose penalties and punishments that further the goals of Sharia law and other laws that fall within the purview of the imam (rulers or people in positions of authority) and can be implemented in a way that advances the goals of the Sharia.

It is thus known that the imam's (rulers' or people in positions of authority) actions and procedures regarding forests and their protection are dependent on the benefits brought about by these actions; among these benefits are the forest development and protection laws that Saudi lawmakers have enacted, which achieve the sustainability of environmental development and its components; among the most notable decrees and provisions that are regarded as an application or enforcement of this rule are the following:

According to Article 18 of the Environmental Law, it is forbidden to cultivate or afforest on land covered by vegetation without a license.

The second article of Article 13 of the Environment Law states as follows: (The competent authority may invest in national, wild, and geological parks, and runs investment in them; subject to certain constraints as set forth in the rules).

According to Article 15 of the Environmental Law, lands used for agriculture and vegetation cannot be leveled or reclaimed without first obtaining a permission in accordance with the current set of rules and regulations.

The aforementioned fall within the category of acts taken by those in positions of power that are justified based on their benefit because these articles support the growth and preservation of forests.

This rule or law also covers the decisions made by Saudi lawmakers regarding the establishment of specialized centers, like the National Center for Vegetation Cover Development and Combating Desertification, and the duties and specific missions assigned to it, along with the authority it was given. The objectives, activities, and responsibilities assigned to the National Center on developing vegetation cover and combating desertification are outlined in several articles and provisions of Article 3 of the executive regulations for doing so. These provisions serve as a clear demonstration of this: (The center carries out the following tasks in addition to the particular missions and responsibilities listed in the rule published by Council of Ministers Resolution No. 417 dated 19/7/1441 AH: 1. Creating a list of all the vegetation-covered lands and classifying them. 2. Counting and categorizing areas that have become desertified. 3. Developing and safeguarding the areas covered by vegetation, along with all of its living and non-living components, and making efforts to enhance them both qualitatively and numerically. 4- Working to restore areas that have become desertified and areas with neglected flora. 5. Establishing national, natural, and geological parks; growing forests; creating pastoral reserves; investing in and administering these areas sustainably while adhering to the applicable legal processes. 6. Creating and

overseeing seed banks, nurseries, propagation centers, and nurseries for untamed and coastal plants. 10. Making investments in and planning investments in vegetated areas. 11- implementing the national obligations outlined in the treaties and accords, including regional and international, that the Kingdom has ratified and that deal with promoting vegetative cover and preventing desertification. 12- Creating the rules and processes that must be followed in order to eradicate and remove encroachments from the areas covered by vegetation and the conditions for their restoration.

The penalties and penal regulations that the Saudi lawmakers agreed upon for anyone who violates the forest development and protection law, as well as environmental transgressions like overgrazing and logging, as well as other illegal behaviors like throwing waste in the forests, have been added to the application and enforcement of this rule.

Article 36 of the Environmental Protection Law states that it is against the law to obstruct or hinder an inspector in carrying out his inspection and monitoring responsibilities. When carrying out his assigned tasks, the inspector must also provide his position card.

Article 38, which states that: (...)anyone who disobeys and violates any of the laws and regulations may be subject to one or more of the following penalties: a) Paying a fine of no more than twenty million riyals (20,000,000.20). b. rescinding the license or permit; c. suspending it for a maximum of six months.)

According to Article 40, anyone found guilty of any of the following offenses faces a maximum sentence of ten years in prison, a fine of thirty million (30,000,000.30) riyals, or both. This is without taking into account any harsher punishments stipulated in other laws. A. Removing trees, shrubs, herbs, or plants, or uprooting, relocating, or removing any portion of their bark, leaves, or other coverings; or transporting or misusing their soil by selling it or making money off of it.

CONCLUSION

The study produced a number of insightful findings, the most notable of which are listed below:
- The all-encompassing nature of Islamic law, which covers development and forest protection among other facets of daily life.

The Kingdom of Saudi Arabia's legal system is an expansion and implementation of Islamic Sharia law.

The Kingdom of Saudi Arabia is eager to organize and control the development and conservation of forests. The Saudi legislator was eager to consider the regulations of Islamic law for forest development and protection.

A number of initiatives and actions, such as the inclusion of the Saudi and Middle East Green initiative in Vision 2030, the creation of centers to oversee the management and investment of pasture lands, forests, and national parks, the preservation of plant genetic resources and vegetation outside of protected areas in the Kingdom in all of its environments, and the fight against desertification, demonstrate the Kingdom of Saudi Arabia's support for the growth and protection of forests.

ACKNOWLEDGEMENTS

The authors are thankful to the Deanship of Scientific Research at Najran University for funding this work, under the Twelfth Research Stage, grant code: NU/RG/SEHRC/12/1

REFERENCES

- Abo Bakr Al-Razi, M. (1995). *Mukhtar Al-Sahib*, Mahmoud Khater Eds, Beirut: Libanon Library Anshron.
- Al Bukhari, M. I. (1422 A.H.) *Sahib al-Bukhari* : Muhammad Zuhri, Eds : Dar Touq al-Najat.
- Al-Ghazali Al-Tusi, M. (1993). *Al-Mustasfa*, edited by Muhammad Abdul Salam Abdul Shayef, Beirut: Dar Al-Kutub Al-Ilmiyyah.
- Al-Hilali MT, Khan MM (1997). *The Noble Qur'an: English Translation of the Meanings and Commentary*, Madinah, Saudi Arabia: King Fahd Complex for the Printing of the Holy Qur'an
- Al-Mubarak Ibn Al-Athir, (1399 AH). *Al Nehaya Fee Ghareeb Al-Hadith and Al Athar*, edited by Taher Ahmed, Beirut: The Scientific Library.
- Al-Shatib, I. M. (1997). *Al-Mawafaqat*, edited by Mashhour ibn Hassan, Dar Ibn Affan.

Saudi Arabia's Legal System for the Development and Preservation of Forests Based on the Principles of Islamic Law

Anis, I, Montaser, A, Al-Sawalhi, A, Ahmed, M. K. (2004). Intermediate Dictionary (alm'ujam alwaseed), Egypt: Arabic Language Academy - Shorouk International Bookstore.

Ibn Qayyim Al-Jawziyyah, M. (2014). I'lam Al-Muwaqqin, edited by Mashhour bin Hasan, Dammam, KSA: Dar Ibn al-Jawzi. National Forest Strategy and Action Plan in the Kingdom of Saudi Arabia, Ministry of Agriculture (1426 AH). <https://faolex.fao.org/docs/pdf/sau145469.pdf>

Preserving natural resources and investing in them in a sustainable manner, announcing the strategic plan for forests in the Kingdom. July 29, 2023. <https://www.alriyadh.com/2024879>

The Environment Law in Saudi Arabia, issued on 11/19/1441 AH, corresponding to: 07/10/2020.