

## WILDLIFE PROTECTION IN PROTECTED AREAS: AN ISLAMIC PERSPECTIVE

Arif Fahmi Md Yusof<sup>1</sup>, Izawati Wook<sup>2</sup>

<sup>1,2</sup>Faculty of Syariah and Law  
Universiti Sains Islam Malaysia

Corresponding author: [fahmi@usim.edu.my](mailto:fahmi@usim.edu.my)

### ABSTRACT

*Malaysia is one of the countries in the world which currently possesses a very significant number of biological diversities in its terrestrial and marine zones. It consists of approximately 12,500 species of flora species, 300 species of mammals, 700 species of birds, and 500 species of reptiles. To protect and safeguard these biological diversities, including wildlife, Malaysia has established a network of protected areas. At least in Peninsular Malaysia, there are four protected areas networks covering a total area of 2.98 million hectares. These protected areas are managed by different agencies and authorities including Federal Department of Wildlife and National Parks (PERHILITAN), Johor National Parks Corporations, Perak State Corporation, and respective state forestry departments. There are various laws relating to wildlife protection in these protected areas. In the same tone, Islam also promotes animal welfare in particular wildlife protection by prohibiting sport hunting, animal baiting and the killing of wild animals for uses other than food. By referring to various sources of Islamic law, this paper intends to highlight the Islamic perspective in relation to wildlife protection in the protected area.*

**Keyword:** wildlife protection, protected area, law, Islam

### 1. Introduction

The reconciliation of human–animal conflict in early 1900 in the Malay states marked the beginning of wildlife protection and conservation. The concept of the protected areas such as national and state park was promoted to limit the tension between the interests of agriculture and those of nature preservation (Kathirithamby-Wells, 2005). The excessive killing of wildlife because it was a perceived threat to human crops led to a system of rewards for the killing of certain types of wildlife. This action affected the wildlife due to illegal hunting, trapping, and baiting to claim for rewards.

This resulted in the establishment of various protected areas by the federal and state government to protect the wildlife from exploitation and extinction. Apart from that, there are various laws enacted to protect the flora and fauna in the protected areas concerned. At the same time, Islam considers the importance of wildlife protection by providing general guidelines on animal conservation. This paper highlights the significance of wildlife protection from Islamic perspective. It gives focus on the concept of *hima* (reserve or sanctuary) which was historically in practice, the relevant Quranic and hadith providing the basis of governance in protecting the wildlife; as well as Islamic scholars discussions in promoting the wildlife protection. This discussion reflects that the concept of wildlife protection and setting aside specific areas for biodiversity and wildlife protection are not confined to Western practice but also a part of an Islamic tradition significant to preserve the nature created by Allah SWT.

## **2. Protected area in Peninsular Malaysia**

Protected areas is a “clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values” (Dudley, 2008; Stolton: 2013). These areas can be in the form of the national parks, wilderness areas, community conserved areas, nature reserves that focussing on biodiversity conservation as well as people’s livelihoods. It provides for food, clean water supply, medicines and protection from the impacts of natural disasters. It also helps to mitigate and adapt to climate change where it has been estimated that the global network of protected areas stores at least 15% of terrestrial carbon (Dudley, 2008; Stolton: 2013). These protected areas include National and State Parks, Permanent Reserve Forests and RAMSAR sites.

### ***2.1 National Parks and State Parks***

These protected areas are established mainly for wildlife protection and biodiversity conservation. They are established under and governed by parks and wildlife related laws including the National Parks Act 1980, the Wildlife Conservation Act 2010 and National Land Code 1965. At federal level, it is governed by the Department of Wildlife and National Parks (PERHILITAN). There are also protected areas which are governed by state level enactments i.e. the National Parks (Johor) Corporation Enactment 1989 and Perak State Parks Corporation Enactment 2001.

Currently, there are 35 protected areas which are managed by the Department of Wildlife and National Park. Besides, there are six protected areas which are managed by state parks corporation, Perak State Park Corporation and Johor National Park Corporation. The creation of the national and state parks is mainly for preservation and management of not only natural resources and wildlife in the parks, but also other interests including geological, archaeological, historical, ethnological and scenic.

### ***2.2 Permanent Reserve Forests***

Permanent Reserve Forest is another form of protected area. This type of protected area aims to conserve forests in order to preserve the country's good climatic and physical conditions by safeguarding, among other things, water supplies, soil fertility, and environmental quality. Development forest, protection forest, amenity forest, and research and education forest are the four main groups of permanent reserve forests based on their functions. Most protected reserve forests are designated as ‘managed resource protected areas,’ primarily to ensure the long-term survival of natural habitats (IUCN category VI). The permanent reserved forests were established and governed by the National Forestry Act 1984 and the related state enactments.

### ***2.3 RAMSAR sites***

Other protected areas include RAMSAR sites. The RAMSAR sites are the consequence of the Ramsar Convention, an international treaty signed in 1971 by a number of countries, including Malaysia. The parties decided to set aside at least one side of their respective countries for the

conservation and regeneration of wetlands. Both parties agreed that suitable wetlands should be recognised and added to the RAMSAR lists of wetlands of international significance. (Irini, 2009)

Malaysia currently has seven Ramsar sites, with the Tasik Bera in Pahang being the latest to be designated. Other places to visit include Pulau Kukup, Tanjung Piai, and Sungai Pulai, all of which are in Johor. Lower Kinabatangan Segama Wetlands and Kota Kinabalu Wetlands in Sabah, as well as the Kuching Wetlands in Sarawak, are situated in West Malaysia. (Irini, 2019: 33)

### **3. Laws regulating wildlife protection**

In Malaysia, there are several legal provisions aimed at animal welfare for two key reasons: human interests and animal interests. The anthropocentric conservation approach focuses on the commercial or economic benefits, especially to various businesses involving dealing, taxidermy, breeding, bird nest collection, and wildlife research, as well as human aesthetic interests and entertainment, such as recreational hunting, wildlife exhibits, and zoo operations. The ecological approach focuses solely on the benefit of animals in terms of protecting and saving wildlife from extinction by ensuring that their habitat is preserved.

For example, the Wildlife Conservation Act of 2010 (WCA) outlines all protection and conservation approaches. The WCA continues to allow wildlife exploitation for human purposes, such as dealing, taxidermy, commercial breeding, bird nest collection, wildlife exhibits, and recreational hunting. These practises, however, are supervised to ensure the long-term economic and aesthetic benefit of wildlife by enforcing various restrictions and prohibitions, such as licences and fines, as well as providing fair human duties to animals while participating in these activities. At the same time, the WCA also focuses its conservation objective on animal interests by providing controlled environment habitats, determining which species of wildlife should be protected, and by declaring wildlife reserves and sanctuaries.

The Environmental Quality Act 1974 (EQA) (Malaysia) provides for legal measures to control activities that may cause pollution and, as a result, be harmful to the ecosystems of various animals, birds, wildlife, fish, or aquatic plant life in order to provide safe environments and wildlife habitats. By requiring a report titled the Environmental Impact Assessment, the EQA empowers the Minister to limit or restrict any prescribed activity that could have major environmental impacts (EIA).

For example, the *Malaysian Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987* regulates activities such as agriculture, airport construction, drainage and irrigation, fisheries, forestry, and resort and recreational development that may have an impact on wildlife habitat and environment. Every operation like this must be carefully reviewed before being introduced to ensure that the habitat of any animals is secure.

The *International Trade in Endangered Species Act 2008 (Malaysia)*, which seeks to enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), has complemented wildlife conservation efforts by restricting practises that can result in animal extinction and habitat destruction as a result of endangered species trade. The *Fisheries Act 1985 (Malaysia)*, which governs activities in Malaysian fisheries waters, also extended conservation to aquatic animals.

#### 4. Wildlife protection in Islamic law

Generally, based on numerous hadiths, sport hunting, animal baiting, and the killing of wild animals for uses other than food are prohibited. Islamic law seems to suggest that wild animals should be allowed to live their lives unmolested, provided they do not pose a threat to humans. Birds should be allowed to fly free and not kept in cages as pet (Foltz, 2006).

The Quran also stresses the value of balance (*mizan*) and threatens those who disrupt it with retribution.; “Work no confusion on the earth after it has been set in order” (Quran, 7:31, 7:85). Therefore, to promote sustainable development, we need to balance between the needs and interests of human and wildlife protection.

##### 4.1 Protected area (*hima*) for wildlife

Foltz (2006) argued that the Islamic legal tradition contains two institutions which some contemporary scholars have argued could be considered as forms of wildlife preserve. They are termed as ‘*hima*’ i.e. a reserve, protected area or sanctuary, and the ‘*harim*’ which was a ‘greenbelt’ or easement around settlement areas intended mainly to ensure a safe water supply.

Therefore, in Islam, the governing authorities have the right and authority to establish reserves (*hima*) for public purposes such as rangeland protection, forest and woodland management, watershed management, and wildlife management. While the prophet abolished private reserves which were created for the exclusive use of powerful individuals, he created public reserves that aimed to serve the common good, as did subsequent led caliphs.

The government should set up a system that serves the most strategic and appropriate locations for range expansion and management, wildlife protection and propagation, forest restoration, and watershed conservation and improvement. Within such reserve development, woodcutting, grazing, and hunting may be prohibited or restricted in accordance with the special purposes of each reserve (Bagader et al, 1994).

A related institution, the *haram*, refers to areas around the sacred cities of Mecca and Medina (called the *haramayn*: the two forbidden areas) where hunting is prohibited (Foltz, 2006). The Islamic law also defines each of these places as an inviolable sanctuary (*haram*) within which injuring wild animals is forbidden (Bagader et al, 1994).

The sacred territory surrounding Makkah is not only a sanctuary for human beings, but also wildlife and native vegetation. The Prophet declared on the day that Makkah submitted to Islam,

*It is sacred by virtue of the sanctity conferred on it by God until the day of resurrection. Its thorn tree shall not be cut down, and its game shall not be disturbed, and the objects lost within it shall be picked up by one who will announce them, and its fresh herbage shall not be cut.*

Only by minimising harmful environmental effects on native plants and wildlife can strict avoidance of injury to them be achieved. All preparation, design, and construction within Makkah's sacred precincts should therefore be undertaken with utmost caution and sensitivity.

The prophet Muhammad also established a similar sanctuary between the mountains and lava flows surrounding al-Madinah, saying,

*Verily Abraham declared Makkah a sanctuary and I declare al-Madinah that which lies between its two lava flows, a sanctuary; its trees shall not be cut and its game shall not be hunted.* (Bagader et al, 1994)

#### **4.2 Provisions of Islamic law relating to animals**

Islam is one of the Abrahamic traditions' religions. Its adherents are known as Muslims, and they believe in the one true God, Allah, who revealed His revelation to an Arab Prophet, Muhammad, in the form of the Quran, which became the foundation of Islamic law. There are five roots of Islamic law that are used to determine laws and regulations:

1. Quran
2. Hadith (Traditions/Sayings of the Prophet Muhammad)
3. Ijma (Consensus of Companions of the Prophet)
4. Qiyas (inference by analogy)
5. Ijtihad (Exercise of judgement based on the above sources).

However, it is beyond the scope of this research to discuss in detail the sources of Islamic law in determining the rules. The next section briefly explores the extent of Islamic law in wildlife protection. The first source of Islamic law, the Quran, has six chapters, named after animals: the Cow (chapter 2), the Cattle (chapter 6), the Bee (chapter 16), the Ant (chapter 28), the Spider (chapter 29) and the Elephant (chapter 105). The Quran also mentions other species of animals like camels, horses, mules, donkeys, sheep, monkeys, dogs, pigs, snakes, worms, mosquitoes and flies.

Islam is the religion of mercy. It promotes kindness towards animals and is opposed to cruelty to them. Many provisions in the Quran and the Traditions of the Prophet indicate the importance of being kind to animals. These occasions provide the principle of animal welfare in Islamic law:

##### *(i) Limitation of human use of animals*

Even though Islam permits the use of animals for food, clothing and transportation to satisfy human needs and interests, it reminds Muslims to use their power over animals in an acceptable manner, and not to exceed the necessary limits in using animals. The Quran provides:

*Surely Allah does not love those who exceed the limits* (Quran, 5: 87).

Islam therefore demands that Muslims utilise animals wisely and humanely. Islam does not allow the excessive use of animals which could lead to unnecessary cruelty.

##### *(ii) Equality between humans and animals*

One of the verses in the Quran articulates the entitlement of animals to be viewed as equal to humans. The Quran says:

*There is not an animal in the earth, nor a flying creature on two wings, but they are communities like you* (Quran, 6: 38).

Hence, Islam requires its believers to treat animals with respect, as there is no difference between humans and animals in terms of God's creatures.

*(iii) Promoting of kindness towards animals*

The Prophet Muhammad reminded his Companions to take the interests of animals into consideration. In one of the traditions, it was narrated that:

*A man was walking on a road when he became very thirsty. He found a well and went into it and drank and came out. At the same time, there was a dog panting and eating earth out of thirst. The man said, "This dog has become as thirsty as I was". He went down into the well and filled his shoe and then held it in his mouth until he climbed out and gave the dog water to drink. Allah thanked him for it and forgave him for his sins. The Companion asked the Prophet Muhammad, "Messenger of Allah, do we have a reward for taking care of animals?" The Prophet answered, "There is a reward for compassion shown to every living thing (Muwatta: Hadith 49:10:12)*

The reward for compassion shown to animals in this tradition evidences the importance of the humane treatment of animals in Islam.

*(iv) Prevention of cruelty*

The Prophet also told the Companions to prevent animal cruelty by not torturing and killing animals for fun. In one of the Hadith, the Prophet said:

*A woman was doomed to hell because she imprisoned a cat. She did not give the cat food or drink nor did she free the cat to look for the food by itself (Bukhari: Hadith 3: 553).*

The punishment for cruelty was to be put in the hell that this tradition provides, and serves as a deterrent for Muslims to avoid cruelty to animals.

*(v) Animal slaughtering with mercy*

As to slaughtering animals for food, the Prophet reminded his Companions to be merciful in slaughtering, as he said:

*Verily Allah has enjoined goodness to everything, so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife, and let the slaughtered animal die comfortably (Bukhari: Hadith 21: 4810).*

This tradition puts responsibility directly on Muslims to treat animals humanely when slaughtering them. It covers the humane killing methods designed to ensure that animals die very quickly during the slaughtering process to ease their pain.

*(vi) Protection and conservation of animals*

Islam encourages us to engage in activities to sustain the lives of animals, including beast.

In a hadith reported by Jabir Ibn Abdillah RA: The Prophet said: *Allah will reward a Muslim who plants a tree, then animals or bird or others eat the fruits* (Hadith Muslim).

Islam also prohibits the killing of certain species of animals:

*From Ibn Abbas RA: The Prophet forbade the killing of four animals: ant, bees, hoopoe birds and shrikes* (Hadith Ahmad, Abu Daud and Ibn Majah).

Using the concept of *mafhum al-muwafaqah* (congruent meaning), the hadith could be interpreted as implying the importance of animal protection and the prohibition of practises that could lead to extinction (Bagader et al, 1994).

### **4.3 Views from scholars**

Islamic scholars have also discussed the protection of wildlife, which are based on the concept of loving and care of animals as well as protecting them from cruelty and extinction.

Imam Ibn Hajar al-Asqalani in Fath al-Bari opined on the hadith on love for animals:

*Ibn Battal said: The hadith (on God's command to love) teaches people to care for all animals, both believers and non-believers, as well as owned and unowned livestock. It also provides guidelines on how to feed and water animals, as well as how to lighten their loads and avoid jumping the line by kicking them (the animals).*

Meanwhile, Imam al-Sharbini in Mughni al-Muhtaj explained that the obligation to protect rare animals and the prohibition on causing them to extinct:

*When it comes to animals with souls, one is obligated to protect them from attempts to annihilate them, as long as (the efforts) do not hurt them. As a consequence, if a person discovers an animal owner trying to kill the animals in an unethical way, the person is obligated to protect the animals.*

In the same tone, Imam Zakaria in the Book Asna al-Matalib (1/555) explains the haram status of animals hunting, which may lead to destruction and extinction, without an acceptable purpose:

*When the hunt is not aimed at slaughtering the animals for consumption, the Fuqaha have ruled that it is haram to hunt animals whose meat is halal (permissible). Such practises would lead to extinction, regardless of whether or not they are legal under Islamic law – vain, meaningless activities. According to Islamic law, these practises are forbidden.*

Imam Ahmad al- Khattabi in his book of Maalim al-Sunan (4/289), explains the prohibition on causing animal extinctions entirely:

*It is well known that the extinction of a people and the annihilation of a generation of a creature, leaving no one alive, are highly despised. There isn't a single creature*

*made by Allah SWT that doesn't have an intent or use. As a consequence, there is no excuse for killing these animals (causing their extinction). Kill animals that cause you pain, but leave others alive so that they can help you.*

The Qur'an and Hadith literature also provide a solid foundation for legal reform surrounding wildlife conservation (Masri, 2007). Abdelkader (2015) also opined that the Qur'anic narrative concerning the Prophet Noah and the Ark as well as recurring themes of animals as "signs of the Divine" directly support such legislative initiatives in the Muslim world. Islamic scholars have observed the most significant principle derived from narration of Prophet Noah and his Ark as the continued preservation of species.

An Indian ornithologist, H.S.A Yahya (2003), promotes the importance of wildlife conservation as follows:

*Taking in nature's wonders, the diversity of animals and structures, all provide a great source of refreshment and solace in one's life. Man's, women's, plants', animals', and other inanimate objects' lives are all intricately intertwined. Any disparity would be catastrophic and would be a divergence from the believers' preferred course.*

Muhammad Amanullah (2012) asserts that Muslims should honour and treat animals accordingly including wildlife. He further argued that the definition of rights in Islam has covered the rights of animals to be protected from exploitation and extinction.

In 2014, the Indonesian Council of Ulama issued a fatwa on endangered species conservation to preserve a sustainable environment in response to unprecedented cases of wildlife transnational wildlife crime. The fatwa calls on Indonesia's 200 million Muslims to help protect, preserve and restore endangered species such as tigers, rhinoceroses, elephants, and orang utans (Indonesian Council of Ulama, 2014).

## **5. Conclusion**

Islam is a religion of mercy. It promotes animal welfare principle by enjoining good treatment to animals, and forbidding cruelty against animals including wildlife. Many provisions from the Quran and hadith asserts the protection of welfare of animals. Many Muslim scholars interpreted the provisions as the duties of humans to protect the animals from cruelty and extinction. Therefore, Islam prohibits illegal hunting, and killing of wild animals for uses other than food. The responsibility of governing authority is to safeguard and protect biological diversities including wildlife. This is done by declaring several protected areas to be places for wildlife protection and conservation. Islam has already highlighted this when the Prophet SAW declared several places as 'hima' to provide a habitat for wildlife management, where hunting, and any activities of animal injury is forbidden.

## **6. References**

Abdelkader, Engy (2015). Animal Protection Theory in U.S. and Islamic Law: A Comparative Analysis with a Human Rights Twist. *Journal of Islamic and Near Eastern Law*, 14(1), 45.



- Abdullah Yusuf Ali (2007). *The Holy Qur'an: Text and Translation*. Petaling Jaya: Islamic Book Trust.
- Bagader et al. (1994). *Environmental Protection in Islam / Protection de l'environnement en Islam*. Gland, Switzerland and Cambridge, UK: IUCN.
- Basheer Ahmad Masri (2007). *Animal Welfare in Islam*. UK: The Islamic Foundation.
- Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN
- Foltz, Richard (2006). *Animals in Islamic Tradition and Muslim Cultures*. Oxford: Oneworld.
- HSA Yahya (2003). *Wildlife Conservation from Islamic Perspective*. Delhi: AMU Aligarh.
- Irini Ibrahim (2009). *Wetland in Malaysia: A look into the Applicable Conservation Laws*. Selangor: MALAHA PLT.
- James L. Wescoat, (1995). The Right of Thirst for Animals in Islamic Law: A Comparative Approach. *Environment and Planning D: Society and Space* 13, 638.
- Jeyamalar Kathirithamby-Wells (2005) *Nature and Nation: Forests and Development in Peninsular Malaysia*. Hawaii: University of Hawai'i Press.
- Muhammad Amanullah (2012). Animals Ethics: An Islamic Perspective. *International Journal of Quranic Research*, 2 (2), 57.
- Stolton, S., P. Shadie and N. Dudley (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types, Best Practice Protected Area Guidelines Series No. 21*. Gland, Switzerland: IUCN
- The Indonesian Council of Ulama (2014). *Fatwa on Protection of Endangered Species to Maintain the Balanced Ecosystems (No 04/2014)*. Jakarta. Universitas Nasional Jakarta.

### **Acknowledgement**

The authors would like to express gratitude to Universiti Sains Islam Malaysia which commissioned the work under Grant Code: PPPI/UGC\_0119/FSU/051000/13619.