FATWA
THE INDONESIAN COUNCIL OF ULAMA

PROTECTION OF ENDANGERED SPECIES TO MAINTAIN THE BALANCED ECOSYSTEMS
FATWA
THE INDONESIAN COUNCIL OF ULAMA
Number 04/2014
On
PROTECTION OF ENDANGERED SPECIES TO
MAINTAIN THE BALANCED ECOSYSTEMS
The Indonesian Council of Ulama, Fatwa Commission, hereafter:

CONSIDERING: 

a. That nowadays many endangered species such as tigers, rhinos, elephants, and orangutans as well as various types of mammals, aves and reptiles, are on the brink of extinction due to human actions;

b. That human is created by God as a vicegerent on earth (khalifah fi al-ardl) who carry out the mandate and is responsible for the prosperity of all creatures;

c. That all living organisms, including endangered species such as tigers, rhinos, elephants and orangutans as well as various types of mammals, aves and reptiles, are created by Allah in order to maintain the balanced ecosystem and subjugated to the interests of sustainable human welfare (maslaha ‘amma);

d. That therefore human must protect and preserve the balanced of the ecosystem so as not to cause damage (mafsadah);

e. That based on points a, b, c and d MUI Fatwa Commission needs to enact a fatwa/legal opinion on the conservation of endangered species to maintain the balancedof the ecosystem to be used as guiding principles.

IN VIEW OF: 

1. The Verses of Al-Qur’an

a. Word of Allah SWT commands to do good deed (Ihsan) to all creatures including for endangered species
“There is not an animal (that lives) on the earth nor a being that flies on its wings, but (forms part of) communities like you. Nothing have we omitted from the Book, and they (all) shall be gathered to their Lord in the end”
(QS. Al-An’am [6]: 38)

“But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world: but do thou good, as Allah has been good to thee, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief”. (QS. Al-Qasas [28]: 77)

b. Word of Allah affirms that Allah has made and subjecting Allah’s creation for the benefit to human life, such as:

“Allmā’īr a’īnī dārāh ‘lā fārāh l-khūm mā’āfini su’ma’atāt w-mā’āfini l-‘ard...”

“Do you not see that Allah has subjected to your (use) all things in the heavens and on earth, and has made His bounties flow to you in exceeding measure, (both) seen and unseen?”
(QS. Luqman [31]: 20)
هو الذي خلق لكم ما في الأرض جميعًا

“It is He Who hath created for you all things that are on earth” (QS. Al-Baqarah[2] :29)

إنّ في خلق السّماء والأرض وختياله لليل والنهار والملكيّة التي تجري في البحر بما ينفع الناس وما أنزل الله من السّماء من ماء فلحيّا بِه الأرض بعد مولّيها وبت فيها من كلّ دابة وتصريف الرياح والسحاب المّستحر فين السّماء والأرض لآيات لقوم يعقلون

“Behold! In the creation of the heavens and the earth; in the alternation of the night and the day; in the sailing of the ships through the ocean for the profit of mankind; in the rain which Allah sends down from the skies, and the life which He gives therewith to an earth that is dead; in the beasts of all kinds that He scatters through the earth; in the change of the winds, and the clouds which they Trail like their slaves between the sky and the earth;- (Here) indeed are Signs for a people that are wise”. (QS. Al-Baqarah [2:] 164)

c. Word of Allah SWT assigns human as the caliph to bring prosperity and maintenance of balanced ecosystem, among other things:

وأذ قال ربّك للملاكاء إن جاعل في الأرض خليفة قالوا أجعل فيها من يفسد فيها ويستك الدماء وتنح نسيب بحمّلك ولقدّس لكي قال إني أعلم ما لا تعلمون

“Behold, thy Lord said to the angels: “I will create a vicegerent on earth.” They said: “Wilt Thou place therein one who will make mischief therein and shed
blood? Whilst we do celebrate Thy praises and glorify Thy holy (name)?” He said: “I know what ye know not”. (QS. Al-Baqarah [2]: 30)

“It is He Who hath made you (His) agents, inheritors of the earth: He hath raised you in ranks, some above others: that He may try you in the gifts He hath given you: for thy Lord is quick in punishment: yet He is indeed Oft-forgiving, Most Merciful”. (QS. Al-An’am[6]: 165)

d. Word of Allah SWT affirms that all human being were created by Allah has benefit including the endangered species, such as:

“Men who celebrate the praises of Allah, Standing, sitting, and lying down on their sides, and contemplate The (wonders of) creation in the heavens and the earth, (With the thought): “Our Lord! Not for naught Hast Thou created (all) this! Glory to Thee! Give us salvation from the Penalty of the Fire”. (QS. Ali Imran  [3]:191)
e. Word of Allah prohibits to mischief on the earth, including the endangered species, such as:

وَلاَ تَسْكِدُواْ فِي الْأَرْضِ بَعْدَ إِسْتِحْيَاءِهَا...”

“Do not mischief on the earth, after (Allah) it hath been set in order. “ (QS. Al-A’raf: 56)”

كُلُوْاْ وَاشْرَبُواْ مِن رَّزْقِ اللَّهِ وَلَا تَعْتَنَوْاْ فِي الأَرْضِ مُقْسِدِينَ

Eat and drink of the sustenance provided by Allah, and do no evil nor mischief on the (face of the) earth. (QS. Al-Baqarah [2]:60)

وَلَا تَبْحَثُواْ النَّاسَ أَشْيَاءَ هُمْ وَلَا تَعْتَنَوْاْ فِي الأَرْضِ مُقْسِدِينَ

“And withhold not things justly due to men, nor do evil in the land, working mischief”. (QS al-Shuara’ [26]:183)

ظُهِرَ الْقَسَادُ فِي الْبَرِّ وَالْبَحْرِ يَمَّا كَسَبَّتْ أَيْدِي النَّاسِ لِيَدِيقُهُمْ بَعْضُ الَّذِينَ عَمِلُواْ لْعَلَّهُمْ يُرْجِعُونَ

“Mischief has appeared on land and sea because of (the meed) that the hands of men have earned, that ((Allah)) may give them a taste of some of their deeds: in order that they may turn back (from Evil”). (QS. Al-Rum [30]:41)
2. Hadiths, the traditions of the Prophet Muhammad SAW (sallallahu alayhi wa sallam – peace be upon him), such as:

عنَّ جَرِيرٍ بْنَ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَ سَلَّمَ: "اَرْحَمْوَا مَنْ فِي الْأَرْضِ يَرْحَمُكُمْ مَنْ فِي السَّمَاوَاتِ" (أَخْرَجَهُ أَبُو ذَارُودُو التَّرْمِذِيَ وَالحاكِمِ).


The hadith asserts the instruction to care for creatures on earth, including animals.

‘Abu Hurairah ra quoted the Prophet (pbuh) as saying: ‘Once upon a time, a man walked and felt thirsty, so he went to a river and drank from it. And then as he was leaving, he saw a dog sticking its tongue out because it was thirsty, and he said: ‘this dog felt [thirsty] as I did’, so he filled his shoe [with water] and held it with his teeth and then rose to give the water to the dog. Allah thanked him and forgave him for his sins.’ They said:
‘O Prophet, is there a reward for us in doing kindness to animals?’ The Prophet replied: ‘there’s a reward for every [kind] heart’. (narrated by Bukhari and Muslim)

The hadith above tells of appreciation for acts of kindness to animals, for those who help animals fulfill their rights to live.

“Jabir ibn Abdillah ra said: ‘the Prophet (pbuh) said: [Allah] will reward a Muslim who plants a tree, and then a beast or a bird or others eat the fruits.” (narrated by Muslim)

The hadith encourages us to engage in activities to sustain the lives of animals, including beasts.

“From Ibn Abbas ra (radi Allahu anhu – may Allah be pleased with him), who said: the Prophet (pbuh) forbade the killing of four animals: ants, bees, hoopoe birds and shrikes.” (narrated by Ahmad, Abu Dawud and Ibn Majah)
Exercising the principle of mafhum al-muwafaqah (congruent meaning), the hadith could be interpreted as indicating the need for animal conservation and prohibition on activities that may lead to their extinction.

“Amr ibn Sharid said: I heard Sharid ra say: I heard the Prophet (pbuh) say: ‘To whoever killing a bird without purpose, the bird will come before Allah SWT [subhanahu wa ta’ala – Glorified and exalted be He] on the doomsday and report to Him: ‘My Lord, he killed me without purpose, with no intention to use me’.” (narrated by al-Nasa’i)

The hadith asserts the prohibition on killing animals without a purpose allowed under the Islamic law.

“Abu Hurairah ra quoted the Prophet (pbuh) as saying that one of messengers of Allah was bitten by an ant and then he ordered a search for an ants’ nest and for it to be set on fire. And then Allah SWT sent down a revelation, asking [him] why he destroyed a population extolling God when he was only bitten by an ant. Another narration said: ‘why not [killing] only that one ant [who bit him]?’” (narrated by Bukhari)
The hadith above asserts the prohibition on killing a whole species of animals, causing it to extinct.

“Abdullah ibn Umar ra quoted the Prophet (pbuh) as saying: ‘A woman will dwell and be tortured in hell because of a cat she had kept locked until it died. She did not feed nor give the cat water while it was caged. She did not let it find its own food.’” (narrated by al-Bukhari)

The above mentioned hadith emphasizes a punishment threat for people who assault and kill animals, including those who engage in activities endangering the lives of animals.

“Ibn Abbas ra said: the Prophet (pbuh) said: ‘One shall not harm oneself and shall not harm others.’” (narrated by Ahmad, al-Baihaqi, al-Hakim and Ibn Majah)

The hadith prohibits activities that may harm oneself and/or others, including animals.

3. **Qawaid Usuliyyah (rules of the Islamic law) and Qawaid Fiqhiyyah (principles of Islamic jurisprudence)**

الأصلُ في الأشياء الإباحة إِنَّا مَا ذَلَّ الْذَّلِيلُ عَلَى خِلافِهِ
“Principally, everything (excluding services to God) is permitted, unless there is a daleel (evidence, in the form of Quran verses or hadiths) saying otherwise.”

الأصل في النهي للاحرام

“In principal, a prohibition on something indicates that it is haram (forbidden)”

تصريف الإمام على الرعية متوط بالمصالحة

“A policy of a leader [government] concerning its people should be based on whether it will benefit the people.”

الضرر يزال

A harm should be removed.”

الضرر يدفع بقدر الامكان

“All harms should be avoided as far as one can.”

الضرر لا يزال بالضرر

“A harm should not be rid of by bringing in another harm.”

دراه المقاسيد مقدم على جلب المصالح

“Avoiding a harm should come first before bringing in a benefit.”

يتحمل الضرر الخاص لدفع الضرر العام

“A specific harm should be borne to avoid a general [larger-scale] harm.”

إذا تعارضت مفسدتن أو ضررنا روعي أعظمهما ضررًا باريكاب أحقهما
**CONSIDERING:**

1. Ulamas’ (Islamic Scholars’) opinions concerning animal conservation, including those of the followings:

   a. Imam Ibn Hajar al-‘Asqalani in the book Fath al-Bari, who said that the hadith on love included love for animals:

   "Ibn Battal said: ‘The hadith [on God’s order to love] encourages people to care for every creature, including believers and non-believers, and livestock owned and those owned by no one. It also specifies an instruction to feed and give water [to animals], to ease their loads and not overstep the boundary by beating [the animals].’"

   b. Imam al-Sharbini in the book Mughni al-Muhtaj (5/527) and (6/37) explained the obligation to protect rare animals and the prohibition on causing them to extinct:
"As for animals, which possess souls, one is obliged to protect them from attempts to annihilate them, so long as there is no worry that [the efforts] will harm them. Therefore, if one sees an animal owner attempting to kill the animal under a forbidden circumstance, then that person [who sees the attempt] is obliged to protect [the animal]."

"It is haram (unlawful) to annihilate honored animals as it is prohibited to slay animals for non-consumption purposes. Animals are different from trees because they have two honored rights: from the owners and from Allah SWT... Therefore, animal owners are prohibited from leaving their animals famished and thirsty; different with trees."

c. Imam Zakaria in the book Asna al-Matalib (1/555) explains the haram status of animal hunting – which may lead to destruction and extinction – without an acceptable purpose:
“The Fuqaha (experts of Islamic jurisprudence) have decided it is haram (unlawful) to hunt animals whose meats are halal (permissible), when the hunt is not aimed at slaughtering the animals for consumption. Such activities will lead to extinction, without any excuse that may be allowed under the Islamic law – vain, meaningless activities. These activities are prohibited under the Islamic law.”

d. Imam Ibn Qudamah in the book al-Mughni (4/137) asserts the permission to kill animals endangering one’s life, and on the other hand the prohibition on killing animals harming no one.

"Every animal that hurts someone or harms their life and their fortune may be killed, because they cause harm without bringing in any benefit, like wolves. Animals harming no one should not be killed.”

e. Imam al-Dardiri in the book of al-Sharh al-Kabir (1/162) explains that protecting the lives of animals should be a priority:
“When one finds water enough only for him to do wudu (ablution), while an honored animal urgently needs water, the owner of the water should perform a tayammum (dry ablution) instead and give the water to the animal. If the water is intended for a deceased, then he, too, should be treated with tayammum instead; while the water should be given to the animal for it to drink. The fuqaha decided on this because it is necessary to sustain the lives of animals.”

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

“İt is understood that the extinction of a people and the annihilation of a generation of a creature, leaving out not a single one of them to live, are very much detested. There is no single creature of Allah SWT created with no purposes and uses. Hence, there is no justification for killing animals entirely (causing their extinction). Kill animals that caused harm on you but let others be alive, so that they may bring about benefits.”

g. Imam ‘Izz ibn Abd al-Salam in the book of Qawa’id al-Ahkam (1/167) explained the rights of animals that must be fulfilled by the human being:
“Among the rights of animals that become the responsibility of the human being are sufficient provision for them, even if they are paralyzed or sick which cause them to be of no use; giving them no loads beyond their capacity; not gathering them with other animals that may harm them, be them animals of the same kind or others; and bring in the males and females together so that they may produce offspring.”

h. Imam al-Shawkani in the book of Nail al-Autar (8/100) quoted the view of Imam al-Khatthabi, as follows:

قول الخطابي: يشبه أنه يكون المعنى والله أعلم أن الحمار إذا حملت على الخيل فل كل عددتها وقطع لماوها وتعطّلت متابعها (نيل الأوطار 8/100، للشوكانى)

“The interpretation – wallahu a’lam (and Allah knows best) – is that if a donkey is impregnated by a horse, then (there will be a lower number of donkeys; their growth will be curbed).”

i. Al-Jahiz, Abu Uthman Amr ibn Bahr al-Fukaymi al-Basri (776-869 AD), stated in His book al-Hayawan/the Animals on page 162 that the human beings are not entitled to mistreat animals, as saying the following.
“You are not entitled to cut an organ or to persecute and hurt all kinds of animals because you are not the one who created it and cannot replace it. If the All Owner has permitted, then you are allowed to do harm to the animal which has not been allowed before. You cannot do it with a rational reason, unless there are serious benefits in it.”

j. The working paper of Dr. Ahmad Yasin Al-Qaralah entitled “Huquq al-Hayawan wa Damanatuha fi al-Fiqh al-Islami”, which says:

2. The Law of the Republic of Indonesia (RI) Number 5/1990 on Conservation of Natural Resources and Its Ecosystem;

3. The Law of the RI No. 41/1999 on Forestry, which has been updated by the Law No. 19/2004 on the Decision concerning the Government Regulation in Lieu of Law No. 1/2004 on the Changes on Law No. 41/1999 on Forestry;


5. The Government Regulation No. 8/1999 on the Uses of Plants and Wildlife Species

6. The result of a meeting between the Indonesian Ulama Council (MUI), the MUI Focus Group Discussion, the
Ministry of Forestry, the National University, the WWF-Indonesia and the Tiger Conservation Forum (Forum HarimauKita) on “Protecting Tigers and Other Endangered Species with Islamic Wisdom” held on June 13, 2013 and July 25, 2013. The meeting asserted, among other things, that tigers and other endangered species are creation of Allah SWT; their habitats need to be protected so that they may benefit the ecosystems and human well-being. The meeting also concluded that a religious study is needed to support actions to protect and conserve animals.

7. The result of a field trip by the MUI, the National University, WWF-Indonesia and Forum HarimauKita to Tesso Nilo National Park, Riau Province and Rimbang Baling Wildlife Reserve in Riau Province which was held from August 30 to September 1, 2013. The team found that human-wildlife conflict is occurs because of wildlife’ habitats loss. They therefore concluded the need for an integrated movement involving legislators, the judiciary, the central government, regional administrations, businesses, ulamas and community leaders to support the harmony and balance of biodiversity, including protecting wildlife’ habitats so that human and wildlife may live and share the same landscapes in harmony;

8. The result of a follow-up meeting between the Edict Commission of the MUI, the Ministry of Forestry, LPLH-MUI, the National University and WWF-Indonesia on December 20, 2013.

9. Opinions, advice, and inputs developed in the plenary meeting of the Fatwa Commission on January 22, 2014.

By putting trust in Allah SWT,

We DECIDE
FATWA ON PROTECTION OF ENDANGERED SPECIES TO MAINTAIN THE BALANCED ECOSYSTEMS

First: General Guidelines

In this FATWA, what We mean by:

Endangered species include all kinds of animals living on the ground, in water and or in the air, protected or not, living in the wild or reared, that have a small population and rapidly falling numbers in the wild which will likely become extinct without protection efforts.

Second: Legal Guidelines

1. Every living organism has the right to sustain its life and may be used for human well-being.

2. Treating endangered species well by protecting and conserving them in order to ensure their wellbeing is mandatory.

3. Protecting and conserving endangered species mentioned in point two shall occur by, among other things:
   a. Guaranteeing their primal needs, including food, shelter and the need to reproduce;
   b. Not burdening them with loads (weight) beyond their capacities;
   c. Not placing them in the vicinity of other animals which may harm them;
   d. Conserving their habitats;
   e. Preventing illegal hunting and the illegal wildlife trade;
   f. Preventing human-wildlife conflict;
   g. Maintaining animal welfare.

4. Endangered species may be made use of in line with Shariah (Islamic law) guidelines and existing regulations.
5. Making use of endangered species as stated in point four is by:
   a. Maintaining the balanced ecosystems;
   b. Using them for ecotourism, education and research purposes;
   c. Using them for security purposes;
   d. Breeding them for human needs, in line with prevailing regulations;

6. Killing, harming, assaulting, hunting and/or engaging in other activities which threaten endangered species with extinction are forbidden, except for cases allowed under shariah, such as self defense;

7. Illegal hunting and/or illegal trading of endangered species are haram (unlawful).

Third: Recommendations

To the Government

a. To take measures to protect and conserve endangered species and to prevent their extinction using this Fatwa as a guideline;

b. To perform effective monitoring and reviews of spatial planning and restructuring of forest areas in order to minimize the risk of human-wildlife conflict, as well as to prioritize restoring forest functions;

c. To review permits issued to companies that cause harm to ecology, social, economic, cultural, area objectives, and threatening endangered species from extinction;

d. To restore critical lands and carry out collaborative forest conservation efforts by empowering local communities.
e. To encourage education institutions to instill an awareness of the need to protect endangered species;

f. To uphold the law against anyone threatening conservation efforts of endangered species; against forest encroachment, especially those involved in illegal logging and illegal wildlife trade.

To Legislators

a. To review and compose regulations guaranteeing the conservation of endangered species and, protection of the ecosystem while ensuring human well-being and national sovereignty;

b. To harmonize the laws and policies both central and local government concerning utilizations of forest-covered lands.

To Regional Administrations

a. Ensuring the protection of forest areas through monitoring and effectively regulating the practices of legalizing settlements, plantations, illegal mines and infrastructure development within forest lands;

b. Conserving and developing local wisdom, empowering local communities and creating environmentally-friendly sustainable economic development by maintaining the balanced ecosystem.

To Businesses

a. To run a business that brings benefits to people at large while protecting the environment, particularly wildlife and their habitats;
b. To comply with all prevailing permits by government;

c. To contribute to the efforts to protect the ecosystem and environment, to support the establishment of groups concerned with endangered species, and to restore the populations and habitats of endangered species, especially in areas where the companies operate.

To Religious Leaders

a. To spread religious understanding on the need to maintain the balanced ecosystems, especially by protecting endengared species;

b. To encourage creation of religious guidelines and the formation of “Environment Preachers” to establish public awareness on the need for environmental protection and conservation of endangered species.

To the Community

a. To conserve and develop local wisdom and be involved in community empowerment, as well as to create environmentally-friendly sustainable economic development by maintaining the balanced ecosystem;

b. To actively participate in the efforts to protect endangered species, including conflict resolution between human and wildlife in the regions (by forming groups concerned with endangered species or teams that deal with human–wildlife conflict resolution) or indirectly (by supporting the authorities).
Fourth: 

Closing Guidelines

1. The Fatwa is effective from the date of issued, taking into account that if one day it is found to be flawed, efforts should be made to correct and perfect it, as it should be.
2. Calling on every Muslim and all parties who interested to disseminate the Fatwa.

Issued at: Jakarta, Indonesia
Date: 19 Rabi’ul Awwal 1435 H
January 22, 2014 AD

THE INDONESIAN COUNCIL OF ULAMA (MUI)
FATWA COMMISSION

Head, 

Secretary,

Signature

Signature

PROF. DR. H. HASANUDDIN AF, MA

DR. HM. ASRORUN NI’AM SHOLEH, MA
This Fatwa translated from its original version in Bahasa Indonesia entitled: *Fatwa Majelis Ulama Indonesia (MUI), Nomor 04 Tahun 2014 tentang Pelestarian Satwa Langka untuk Menjaga Keseimbangan Ekosistem* (the Fatwa of Indonesian Council of Ulama (MUI) Number 04/2014 on Protection of Endangered Species to Maintain the Balanced Ecosystems).
Fatwa on Protection of Endangered Species to Maintain the Balance of the Ecosystems