

Protecting The Human Right To A Healthy Environment Between Legal Texts And International And National Legal Rules

Aouraghe Mansour ¹, Hakima Hatri ²

¹ Ph.D researcher (Laboratory of Jurisprudence, Judicial Studies and Human Rights) Faculty of Sharia, University of Sidi Mohamed bin Abdullah in Fez - Morocco

² Professor at the University of Sidi Mohamed Ben Abdallah, Fez, Morocco, mansour.aouraghe@usmba.ac.ma

Abstract:

This research highlights the strengths and shortcomings in devoting protection to the human right in a healthy environment, by presenting the legal and legal foundations, whether international or national, that aim to protect this human and cosmic right. A set of problems faced by the Moroccan (environmental) judiciary institution at the level of issuing and implementing sentences.

To what extent have the legal texts and legal rules been able to protect the human right in a healthy environment?

Keywords: human rights, healthy environment, environmental legal texts, environmental legal rules.

Introduction:

Environmental issues have become the first priority of the attention of modern societies due to studies that indicate, day by day, the relationship of environmental pollution manifestations to the emergence of diseases in humans, the deterioration of marine and wild life on the planet, and with the development of life and the industrial and technological progress it knows, the environment has become with all its elements: water The air and soil are exposed to new and previously unknown pollutants.

In this context, Islam has taken the lead in caring for environmental issues, and its keenness to create a vision of a special system and a special society, in whose hand is the human leadership, which is shaped by a unique development model according to fixed rules that do not change with the change of place and time, and in accordance with all the constants imposed by stability. Religious, intellectual, behavioral and social, and other requirements for comprehensive sustainable development in the desired virtuous society.

And if God Almighty has created the environment and harnessed it to serve man, then surely He legislates laws and lays

down the laws that guarantee the preservation of ecological balance, and guide man, as God's successor in his land, to ways of protecting the environment, and how to deal with its regulations and laws.

The main purpose of preserving the environment is to preserve the human being, his happiness and his well-being in this world, and for this we find that all civilizations call for taking effective steps in this field.

The human right to a healthy environment is considered one of the most important rights in the field of public rights and freedoms. It belongs to the third generation of human rights. It is based on the idea of the necessity of solidarity among the peoples of the world on the grounds that it is not possible to eliminate the various harmful effects of the environment that do not limit international and continental borders or regions. , without any control, except through concerted international efforts and cooperation in the field of preserving the environment as a human joint.

In this context, many conferences and calls came, including, for example: "Tangier's call for strong solidarity action in favor of the

climate (and others) on 20/09/2015, where the alarm bell was sounded, regarding climate change, which is rightly one of the most serious threats facing us. All of humanity, and its negative and increasing effects on the environment ... constitute an international concern.

To what extent have the legal texts and legal rules been able to protect the human right in a healthy environment?

To answer this problem, the topic can be divided into the following:

A paved introduction, and two axes, the first on the legal and legal foundations devoted to the human right in a healthy environment, and the second on the means and mechanisms protecting this right, and then a conclusion that includes the results and conclusions.

The first axis: the legal and legal foundations devoted to the human right in a healthy

The first requirement: the legal foundations of the human right to a healthy environment

The first paragraph: In the Holy Qur'an

The tolerant Islamic Sharia paid great attention to the environmental issue, as it established the controls and rules that regulate the human relationship with the environment, and also established a general system for the protection of the environment in its comprehensiveness as a group of cosmic and natural systems, biological, social and cultural components, and human facilities in which man and other creatures live and are practiced in Its scope is humanitarian activities...The Islamic Sharia has made preserving the environment and protecting human rights in it a humanitarian necessity and a legal obligation, and it has imposed a penalty on everyone who violates the elements of the environment.

The Islamic Sharia, with its first sources: the Qur'an and the Sunnah, came pregnant with texts that establish the right of man to a healthy environment that enables him to perform the caliphate that God has entrusted him with, and to perform it faithfully and to build the earth rationally. .

The verses in this regard are numerous and numerous, and we will mention them by way of illustration but not limited to them. Says:)an in the creation of the heavens and the earth and the alternation of night and day and astronomy that take place in the sea for the benefit of the people and what God sent down from heaven water from life to the earth after its death and broadcast them

from each animal and the discharge of the wind and the clouds subjugated between heaven and earth signs for those who Aaklon(([1])

And he said the bulk of the Ala) and in plots of land Mottagorat and gardens of vines and planting palm twins and non-twins irrigated by water, and one and prefer each other in the eating in that are signs for those who Aaklon(([2]) and saying Sobhanh) and subjected to you the ark to take place in the sea by His command and subjected to you rivers ((([3])

It is well known that the earth is a reservoir of springs and a source of water, from which ornaments, adornments and food are extracted. ([4]) Ezz said the man who made you)oazcarua as successors after Bookm returned in the ground are making plains of palaces and homes in the mountains, remember Tnhton agents of God not mischief in the earth Mvsudain(([5]).

Koran also warned that the earth is subservient to man sprout planting food to him, he says:)oah them dead Ohieddinaha land and brought us out of them love SQ eat and made the gardens of date palms and grapes and blew up the eyes to eat of the fruit of what she had their hands do you not Ahkuron(([6]) It is no wonder that one of the blessings of giving

In this context, the Qur'an emphasized this right which God forced to man, he said Almighty)olm seen that God has subjected to you what the earth and astronomy taking place in the sea by His command and holds the sky to fall on the ground only with his permission that the people of God Rauf Rahim(([7]) said the Almighty)ho what you created in the earth, then turned to the sky and fashioned seven heavens and is everything Alim(([8]) and the Almighty said)oeschr you what is in the heavens and on earth, all of it in that are signs for those who Atvkron(([9]) and the Almighty said:)oho, who mocked him the sea to eat meat tender and it Tstkhrijawa Ornament Talpssounaa sees astronomy Moakhar in it, and you may seek of His bounty and that you may Chkron(([10]).

All that harnessing of these elements, and all that gratitude motivates people of minds and intellect to strive to stand in the face of all those who tamper with these elements and threaten life on planet Earth; Because the inhabitants of the earth are in one ship, who makes a hole in it, even a small one? Everyone

is in danger.

Among the blessings that God has bestowed upon man is the blessing of water; Which is the nerve of life and its beating heart. Rather, it is one of the components of human creation. "And God created every living creature from water" ([11]) and the Almighty said: that Allah sends down water from the sky becomes the earth greenish God Khbayr(nice ([13]) and the Almighty said:)olm see I cite water to the land barren Vnkrj its seed eat it Oanaamanm and themselves do you not Abesron(([14]) and the Almighty said)ofroetm The water that you drink, did you remove it from the weight, or did we remove it ([15]). Thus, we find a huge number of Quranic verses that affirm this right of man and urge its preservation to ensure cosmic and ecological balance.

The second paragraph: In the Sunnah
The Prophetic Sunnah included many directives and instructions that included the stipulation of the human right to a healthy environment, either explicitly or casually about the way to talk about the environment and methods of protecting it from pollution in general. The hadiths contained in the books of the purified Sunnah of the Prophet, which in their directives took into account the various elements of the environment, called for the preservation of the water, land and air environment, and we can mention some of these hadiths as an example but not limited
The Prophet, peace and blessings be upon him, says: "None of you should urinate in standing water and then take a bath in it."([16]) The Prophet, peace and blessings be upon him, forbade the Muslim person to urinate in the public water that people use for their drinking and purification, in order to preserve the water resources of the community. And because it is the right of all humanity, and it is also forbidden to wash in this water because this behavior causes pollution to the water and leads to its rotteness, and people miss the bene- Surat Al-Baqarah, Verse 164.

- [1] - Surat Al-Ra'd, Verse 4.
- [2] - Surah Ibrahim, verse 32.
- [3] - Surat Al-Baqarah, verse 205.
- [4] - Surat Al-A'raf, Verse 74.
- [5] - Surah Yassin, Verse 33.
- [6] - Surat Al-Hajj, Verse 65.
- [7] - Surat Al-Baqarah, Verse 29.
- [8] - Surah Al-Jathiyah, Verse 13.
- [9] - Surah An-Nahl, Verse 14.
- [10] - Surat An-Nur, Verse 45.

- [11] - Surat Al-Anbiya, verse 30.
- [12] - Surat Al-Hajj, Verse 63.
- [13] - Surat Al-Sajdah, Verse 27.
- [14] - Surat Al-Waqi'ah, verses 68 and 693.
- [15] - Muhammad bin Ismail al-Bukhari, The Sahih Musnad, Book of Ablution, Chapter on Urine in Persistent Water (Hadith No. 236), numbered by Muhammad Fouad Abd al-Baqi, Dar al-Hadith, Cairo 2011 edition.
- [16] - Abdul Aziz Shaker Hamdan Al-Kubaisi, Environmental Protection in the Light of the Purified Sunnah, research published on the Internet, Alukah Scientific Network Edition (p. 12).

The Messenger of God, may God's prayers and peace be upon him, said: "The Muslims are partners in three: in water, pasture and fire, and the price of it is forbidden." [1] This hadith stated that what was mentioned of water, herbs, and what kindled fire that was in the public domain is for everyone, and it is not permissible for anyone To take it for himself and not for others or withhold it from others (2), and therefore preserving this right is the responsibility of everyone, as the hadith equated the benefit from this human right, the responsibility of preserving it is arranged for everyone.

The Prophet, may God's prayers and peace be upon him, says: {There is no Muslim who plants a tree or sows crops, and then a bird, a person, or an animal eats from it, but it is charity for him. To promote the afforestation process, represented by planting and planting trees, by encouraging an afterlife reward, so that the human right to a healthy environment remains valid and not violated.

And the noble Prophetic command reaches its goal in urging agriculture and the reconstruction of the land and its afforestation when he says: {If the hour comes and one of you has a seedling, then if he is able not to rise with this concern} [Islam] This indicates the status of the human right to live in a healthy environment. Trees rid the environment of large amounts of carbon dioxide that is harmful to health, and they also have a major role in producing a large amount of oxygen necessary for human and animal life. Trees also exist in industrial areas. Cities surrounded by mountains or deserts reduce the amount of dust and pollutants in the air, as they act as a filter to purify the air. Hence, we find that many cities in our world today have resorted to establishing a so-called green belt around cities, and trees play a major role in stabilizing sand. and prevent its encroachment, and thus lead to the prevention

of the phenomenon of desertification, which threatens many countries, including Morocco([5]).

The Beloved, may God's prayers and peace be upon him, says: {Whoever revives dead land, it is for him} ([6]). Reviving the land in return for their ownership, and this expands the movement of seriousness and activity in the community, and opens the door for work in land reclamation and agriculture and what is related to it, and creating opportunities for work in this important aspect of society and in it is a guarantee of the human right to live in a healthy environment.

And the Messenger of God, may God's prayers and peace be upon him, said: {..your smile in the face of your brother is a charity, and your removal of stones, thorns and bones from the path of people is charity for you. On the road, as well as his encouragement to preserve the beauty of the environment through his saying, may God's prayers and peace be upon him: {God is beautiful and loves beauty} ([8]).

Through the foregoing, it is clear that the pure Prophetic Sunnah laid wonderful features in the statement of the reward that preserves the environment, protects it from corruption, and preserves it from destruction and tampering, and this is represented in the otherworldly and worldly rewards, by explaining what God Almighty has prepared for His servants of reward for the obedient. This penalty relates to taking care of the elements of the environment, both as encouragement and intimidation, which reveals the extent of Islam's interest in the elements, sources and components of the environment ([9]).

In light of this, it appears that the life of the Prophet, peace and blessings of God be upon him, and his companions after him, was an applied model for Islamic morals, and the transactions that were determined by Sharia in everything, even dealing with plants, animals, birds, inanimate objects, and all other elements of nature, such as land, water, and air. . Accordingly, the teachings of Islam came clear with regard to the elements of the environment, in terms of the various forms of care, and the way the Muslim deals with them ([10]), and these clear teachings derived from the texts of the Holy Qur'an and the Sunnah of the Prophet drew a clear approach to protecting the environment.

The second requirement: the legal foundations of the human right to a healthy environment Acknowledging the human right to live in a healthy environment creates a space for freedom and real possibilities for participation between the various stakeholders within the same country or between many countries. Only recently did interest in it appear internationally or regionally, contrary to Islamic law, which treated it centuries ago.

Paragraph one: Foundations of the human right to a healthy environment in international law Several international conventions proclaimed a new set of human rights, which are now known as solidarity rights on the basis that they represent the third generation of human rights, given that the first generation represents the rights that are closely related to the human personality, and that he cannot lead a dignified life without them, and the first of these Rights The human right to life, then his right to freedom, his right to the safety of his person, then his right to litigation and other rights that derive from it, are established for a person when he is accused of a specific crime, or when he resorts to the judiciary, and so on... Then comes the second generation of rights The human, represented in economic and social rights, those that require positive intervention from the state in order to provide services and create an atmosphere that allows individuals to enjoy these rights, ... until we reach the third generation of human rights or what is known as solidarity rights, and these rights are distinguished as follows:

- * It needs cooperation between different countries and peoples to ensure its establishment and to ensure that individuals enjoy it.

- * It assumes great cooperation and a kind of interdependence between the components of the international system.

- * That this new set of rights requires recognition of developing countries or third world countries as part of the international system, and needs special protection, as they are now the weak party in international relations.

The African Charter on Human and Peoples' Rights was a forerunner to include solidarity rights and related rights within its articles, from other international charters, perhaps due to the conditions of the African continent in which economic, social and political backwardness prevails, and what these

circumstances impose on the need for international solidarity and cooperation for the development of the continent, and to ensure the enjoyment of various The rights and freedoms established in international human rights covenants, whether individual or collective. This is evidenced by what was stated in Article 24 of the African Charter on Human and Peoples' Rights, which states that "all peoples have the right to an environment that is satisfactory and inclusive and suitable for their development." The United Nations has recognized in many of its declarations and conferences the right to a healthy and appropriate environment, as well as all other rights of solidarity, but in an incidental way that was not sufficient.

The human right to a healthy environment finds its basis in many rights sanctioned by international laws, covenants and charters. As pollution of the environment in its various forms and its elements that affect the safety of air, water or food in general, does not enable a person to fully exercise his right to life and the safety of his body.

[1] - Abu Dawood Suleiman bin Al-Ash'ath Al-Sijistani, Al-Sunan, Book of Sales: Chapter on Preventing Water (Hadith No. 3016) Judgment on his Hadiths, Muhaddith Muhammad Nasir Al-Din Al-Albani, Dar Al-Kitab Al-Arabi, Beirut, without edition or year of publication.

[2] - Muhammad bin Saleh bin Muhammad Al-Uthaymeen, Sharh Riyadh Al-Salihin, Dar Al-Watan Publishing, Riyadh, Saudi Arabia, edition 1426 AH, (3/494).

[3] - Al-Bukhari, The Book of Farming: Chapter on the merit of planting and planting when it is eaten, (Hadith No. 2152). Previous reference.

[4] - Imam Ahmad bin Hanbal bin Hilal Al-Shaibani, Al-Musnad, (Hadith No. 12512), investigated by Shuaib Al-Arnaout, and Adel Murshid, Al-Resala Foundation, Beirut, second edition, 1999 AD.

[5] - Al-Kubaisi, Protecting the Environment in the Light of the Purified Sunnah, previous reference (pg. 19) adapted.

[6] - Muhammad Nasir al-Din al-Albani, Irwa al-Ghalil in the graduation of the hadiths of Manar al-Sabeel, (corrected by al-Tirmidhi) part 6, p. 45. In the wording of al-Bukhari: (Whoever lives on a land that is not for anyone, he is more worthy).

[7] - Imam Al-Bukhari, Al-Adab Al-Mufrad, (Hadith No. 891)

[8] - Abu al-Hasan Muslim ibn al-Hajjaj al-Nisaburi, Sahih Muslim, Book of Faith, chapter on the prohibition of arrogance and its clarification (Hadith No. 275).

[9] - Al-Kubaisi, Protecting the Environment in the Light of the Purified Sunnah, previous reference (pg. 25) adapted.

[10] - Sri Zaid Al-Kalani, Regulatory and Punitive Care of the Natural Environment in Islam, The Jordanian Journal of Islamic Studies, Volume 13, No. 2, 2017, p. 130

International attention to the environment and its relationship with human rights revolved mainly around protecting natural sites, preserving biological diversity, combating desertification and pollution, and protecting the ozone layer, all of which are related to nature and the immediate surroundings of human life.

The ozone layer is not an internal matter for countries, but rather belongs to the entire international community. The hole in this layer threatens our planet and human life on it. Therefore, this issue was the subject of the Vienna Treaty signed on March 22, 1985, which includes the commitment of the parties to the protection of the ozone layer, especially the northern countries, which must contribute financially and materially to combating pollution resulting from chaotic industrialization and helping the countries of the South in protecting their surroundings and the components of the environment in them. It should be noted that the great danger that threatens the Earth and life in it is global warming due to the hole in the ozone layer, which was the subject of an agreement between many countries at the Rio de Janeiro summit in 1992 on climate change. This agreement aims to reduce harmful gases emitted from factories and machinery through fiscal measures and measures represented in imposing taxes on polluting industries within countries. The aforementioned agreement is supported by the Kyoto Protocol of 1997, which calls on countries to address the threat of climate change at the national level according to the capabilities and characteristics (1).

In addition, the phenomenon of desertification affects the territories of countries, the natural resources and the spaces that humans can use and exploit for housing, work and movement, and thus affects the civil, social and economic rights of the first and second generations. In view of this interdependence between all human

rights, which are considered an indivisible whole, the international community sought to guarantee them and care for the land, starting with the Nairobi Conference held in 1977, which shed light on the fertility of the land, the decline of arable lands and the threat to environmental diversity, and this conference led to the launch of the “Yellow Hand” program. To address the threat of desertification, which is constantly exacerbating (2).

It should be noted that the consolidation of the human right to a healthy environment at the regional level is clearer and more proven than it is at the global level, as we mentioned earlier, as is the case of the protocol annexed to the American Convention on Human Rights at the economic, social and cultural levels, which was adopted in November 1988 in San Salvador, where Article 11 stipulates the human right to a healthy environment and states undertake to develop, protect, preserve and improve the conditions of the environment.

Each country that has ratified the international agreements in the field of the environment incorporates its requirements into its domestic legal system in order to translate them into reality with programs and structures that implement, follow up and control.

We have confined ourselves to some examples of agreements as the cornerstone of the right to a healthy environment, and because it is difficult to list conferences, summits and agreements concluded at the regional or international levels due to their succession and the growing interest that states are paying to the environment and the richness of texts related to this subject, especially with the varying fields of intervention of the intervention And convergence of their concerns on the other hand. In general, it can be said that engaging in the international context of a right is mainly related to the characteristics of the state, its interests and political purposes.

Therefore, the right to a healthy environment finds its limit in the relativity of the universal nature of human rights, which leads every state to resort to internal national legislation to acknowledge this right.

Paragraph Two: Foundations of the human right to a healthy environment in national legislation

Undoubtedly, openness and globalization lead to involvement in the global context of law with its various articles and fields, as is the case with human rights and public

freedoms. Ratification of regional or international conventions compels countries to adopt the provisions contained therein and translate them on a national scale by including them in their legal system.

This adoption reaches its extent if the state constitutionalizes the right in question, where the inclusion of a right in the constitution strengthens its legal position according to the position of the constitution in the hierarchy of legal texts. The stipulation of the human right to a healthy environment in the constitution makes it mandatory and grants its holder privileges in the face of state structures and others.

The constitutional value of the right places a number of obligations on the state to ensure that it is provided to people and work to enforce its respect and protection.

On the other hand, the limitation of the human right to a healthy environment, when it acquires a constitutional value, is only for considerations of public order or for another reason in accordance with the texts. This would limit the authority of public authorities to violate the aforementioned right and provide their perspectives with more guarantees within the framework of the rule of law ([3]).

Even though Morocco has legislation dating back to the beginning of the 20th century with an environmental dimension, especially the Dahir of August 25, 1914 relating to the regulation of harmful, disturbing or dangerous institutions, the Water and Forest Decree of 1918, and its signing of bilateral or multilateral agreements on issues of an environmental dimension, the concept of the right to an environment Salima did not appear in Morocco until 1992 after the issuance of Law 99-10 related to water, and Law 03-11 related to the protection of the environment.

With the 2011 constitution, the human right to a healthy environment gained a new dynamic and constitutional force, as Chapter 31 of it adopted the principle of sustainable development, protection of natural resources, and the right to access water and a healthy environment.

The constitution also recognized in its chapter 12 the role of civil society associations and non-governmental organizations in preparing, activating and evaluating public policies. Including those related to environmental protection and combating climate warming.

Morocco is one of the few countries that has enacted a large arsenal of laws aimed at strengthening the protection of the

environment to combat pollution and to engage in the global sustainable development process.

Examples of these laws include:

- * Law 11.03, which sets the principles and reference rules for the protection of the environment.
- * Law 12.03 related to the study of the impact on the environment as a practical mechanism for pollution prevention.
- * Law 13.03, which defines the rules and mechanisms for protecting humans and the environment in general from damage resulting from pollution.
- Law 28.00, which defines the rules for ecological management of waste in all its forms with the aim of protecting humans and the environment in general from the harmful effects resulting from the management of this waste.
- * Law 13.09 on renewable energies.
- * Law 16.09 relating to the creation of the National Agency for the Development of Renewable Energy and Energy Efficiency.
- * Law 57.09 updated the Moroccan Agency for Solar Energy with the aim of developing solar energy to reach a production of 2000 megawatts in 2020.
- * Law 22.07 as a new legal framework for the conservation of natural and ecological resources and parks.
- * Law 22.10 relating to the use of biodegradable or biodegradable plastic bags and rolls.
- * The National Charter for Environment and Sustainable Development 2009.

Which made key recommendations, including:

The necessity of giving mandatory force to the charter to ensure sustainable development for current and future generations.

Work to create balances between the requirements of development, socio-economic and environmental preservation, while promoting harmony and integration between sectoral policies.

The necessity of integrating the environmental dimension into all socio-economic strategies, programs and projects.

We record here that despite this large set of legal texts on the environment, its dispersal is a legislative obstacle, as we find laws and orders specific to each component of this

right separately, such as the right to water, clean air, noise, land, space, forests, and tape coastal, desertification, agriculture, industry, tourism, antiquities, etc. Therefore, the Moroccan legislator must follow the example of some legislation to include the various texts within one legal code so that it can actually talk about the human right to a clean and healthy environment.

But it is not possible to overlook what the Moroccan state is doing in the field of environment, ocean protection and nature conservation, whether at the legislative or applied levels through the institutions and mechanisms developed in this field. But the problem that arises for developing countries is the lack of funding. The limited budget and the growing social and economic demands make the state confront different and different requirements, which necessitates balancing them and giving priority to some of them at the expense of others.

The second axis: means and mechanisms to protect the human right to a healthy environment

The first requirement: the legal means and mechanisms to protect the human right to a healthy environment

In the legislative field, Islam possesses an integrated legislative system that can contribute to

addressing all environmental problems. Because Islam just as it regulates man's relationship with his Creator, it also regulates his relationship with society, nature and those around him, the Holy Qur'an and the Sunnah. As stated in the hadith (4).

[1] - Laila Al-Yaqoubi, The Right to a Safe Environment, Human Rights Generation Journal, No. 2, April 2014, p. 48.

[2] - UNESCO has estimated that desertification threatens 3,600 hectares of land, or approximately 70% of the land is arid, and this situation is negatively reflected on about 480 people in the world.

[3] - Laila Al-Yaqoubi, The Right to a Safe Environment, previous reference, p. 50.

[4] - Mehri Shafiqa, Environmental Protection and Environmental Values from the Perspective of the Islamic Religion, Proceedings of the Second International Conference, The Right to a Sound Environment in Internal and International Legislation and Islamic Law. Held in Beirut 27-29 December 2013, p. 68. Adapted.

And if Islam does not have a legislative vacuum, and it is, as God intended, the final

religion, which will remain with its lawful and forbidden, provided that God inherits the earth and those on it, then it must respond to all the new issues and put solutions to them, with its flexible rules and principles that enable it to adapt to the evolution of Time and life progress.

If we were to devise and apply Islamic laws well, they would have been able to protect the environment from pollution and preserve the ecological balance more than the positive laws contribute. Because the Sharia law ultimately ends up with God Almighty and He is the most knowledgeable legislator of what works for His servants, not only for that, but because religion also provides and stimulates its laws with several incentives that contribute to the process of their application and implementation to a large extent, which is what the positive law lacks, and one of the most important of these incentives The religious person's sense of God's control and his feeling that when he observes environmental laws, he does not proceed from that merely from fear of worldly penal punishment. Rather, before that he feels divine control that prevented him from violating environmental laws if he was truly religious out of shyness from God and fear of His punishment and punishment.[1]).

Hence, we can ask, does Islamic legislation have jurisprudential rules suitable for establishing an environmental jurisprudence, in the light of which a legislative system can be built to protect the environment? The Islamic jurisprudential mind can offer a lot in this regard, as environmental rules and their fields exist. Environmental jurisprudence as a legislative aspect exposed the environmental legislative rules in Islamic Sharia, which include the following:

v The sanctity of corrupting the earth: It is the first rule in which environmental jurisprudence is concerned, for God Almighty has forbidden corruption in any form ([2]), the Almighty said: "And do not corrupt the earth after it has been reformed" ([3]).

v Not wasting natural resources: extravagance and waste are forbidden, in many texts that forbid waste and depletion of natural resources in general or in particular. It has already been mentioned in the first axis of this paper.

v The inviolability of harming oneself and

others: God has legislated the purposes of Sharia for the preservation of the soul in the first place, forbidding what leads to self-destruction, and the human right to a healthy environment falls within the five purposes.

v The rule of maintaining public order: a set of rules and controls on which the stability and balance of human life depends on the social, political, security and economic levels.

v What the land or water cannot be rehabilitated without it has the rule of necessity, such as moderation in the use of water and agricultural resources, kindness to animals, land reclamation, and imposing penalties on spoilers in the land and destroyers of the environment ([4]).

v Preventing harm to neighborliness and easement: like someone who does something in his house that harms his neighbors; Like a bath, an oven, or an iron furnace, Al-Hafiz Al-Zayla'i says: "If he wanted to build a furnace in his house for permanent baking, as it is in shops, or mills for grinding, or pestles for shortening, it is not permissible, because that harms the neighbors in a way that cannot be avoided. his possessions and left it out of favor for the sake of interest" ([5]).

Each of these legislative rules includes many texts in the Qur'an and the honorable Sunnah that forbid and forbid transgression of these Islamic jurisprudential rules.

In order to ensure the implementation of these legal provisions and rules, Islam has created many institutions that are effective mechanisms in protecting the human right in a healthy environment from any violation, whether by institutions or individuals. We mention from that the institution of the governor and the judge and the Muhtasib.

These three have a prominent role in implementing the provisions that are intended to protect the environment, preserve it and pay the damages surrounding it, and this is reflected in the following:

What Ibn Rushd, may God have mercy on him, said regarding the issue of canals, latrines, and chairs that drain into the river, or what is now called sewage water, "The ruling

on this harm is obligatory and the judiciary is obligatory, and the ruler should look into that if the matter comes to him after it has been established with him, and he orders to change it. ([6]).

- The governor is obliged to remove people with disabilities such as lepers from the markets, and prevent them from selling liquids, from drinking and performing ablution in vessels used by other healthy people, as well as preventing them from watering from wells ([7]).

- What the owner of management mentioned in the provisions of difficulty in the chapter on the necessity of removing public harm from alleys, rehabs, and others, and orders the Muhtasib to purify the markets from garbage and the like, and said: "And to remove the harm is to oblige the one who has gone out as a bundle to throw it out of the country and no longer pay the people" ([8]).

- What Ibn al-Rami mentioned in the issue of preventing the gutters that flow with washing machine water: that the judge of Tunis prevented that, and imprisoned those who did not block them, and publicized it in the alley ([9]).

Forcing the ruler who refuses to spend on his animals by taking them out of his possession ([10]).

- What Abd al-Rahman ibn Baqy ibn Makhlad said: The judges and rulers are still riding for something that is lighter than this in his answer about a calamity: that the canal was running on their turn with rain water, especially since witnesses did not know about it and it was proven to them with possession that it is not worthy of Muslim pilgrimages As it is like imprisoning them, harm for a long period of time, and he does not pay attention to such an opinion of the dates, which I see cut off the harm from the argument.

- Under the title of the function of al-Muhtasib with regard to the health field, the author of the book al-Hisbah in Islamic Egypt between the Islamic conquest and the end of the Mamluk era 923 AH stated: "The al-Hisbah is also a health rule aimed at preserving the safety of the population, the cleanliness of cities, their plans, streets, and the aesthetic values in them, so al-Muhtasib ordered the removal of Mud from the markets, roads, and streets if it increased, and if garbage and dust accumulated and the like, then the Muhtasib would appoint someone to clean and spray the streets every day. This applies to patients who sell food in the markets"([12]).

We record here that the Islamic legislation

arranged a guarantee for everyone who harmed the human right to live in a healthy environment, including the rule: "It is not permissible for anyone to do something to his neighbor that harms him"([13]), and this is only possible by taking the necessary care. precaution to prevent such damage; This is evidenced by what was stated in Ibn Farhoun's

insight: "In the case of the water holding onto the bridges, and the one who bridged them was not a precaution, it is guaranteed, and likewise if he was careful in bridging them, and neglected to release the water until the bridge collapsed or part of it, and the water moved to the neighbor's land, and some of his money was destroyed." ([14]). Thus, Islamic legislation has reached its peak in providing protection for the human right in a healthy environment. This comprehensiveness and this protection was not noticed by positive law until recently, and it is still striving towards achieving environmental justice or ecological balance.

The second requirement: legal means and mechanisms to protect the human right to a healthy environment

Paragraph one: Legal means and mechanisms to protect the human right to a healthy environment in international law

The international community has been alerted to the disasters that pollution causes to humanity, and has worked to reduce environmental pollution through many international treaties related to the protection of the environment.

Global international organizations formed the mechanism and regulatory framework for unifying international efforts in the field of environmental protection and coordination among them, and the first step was the United Nations in this field. Members of the United Nations), the necessity of establishing an international body affiliated with this international organization and concerned with environmental affairs. The General Assembly of the United Nations agreed to accept these recommendations and took the initiative in December of the same year to establish a special body for this purpose called (United Nations Environment Program PNUE). The functions of this body have contributed to working towards promoting international cooperation in the field of environment, providing appropriate recommendations in this regard, following up on the international environmental situation, developing and disseminating environmental knowledge to

coordinate national and international efforts in the field of environment, financing environmental programs, and providing the necessary assistance within the framework of the United Nations. The United Nations, in addition to this aforementioned body, established several other subcommittees dealing with the same subject within the framework of the Economic and Social Council. In turn, some specialized international organizations have provided mechanisms for environmental issues, and this is notably true of the following organizations: UNESCO for Food and Agriculture, the International Maritime Organization (IMO), and the International Labor Organization. The United Nations Economic and Social Council is tasked with coordinating the activities of these organizations and the specific bodies that created to avoid duplication that may occur between them. The International Maritime Organization (IMO) is the main international organization that sets maritime norms and standards.

Since the jurisdiction of coastal jurisdiction over ships in transit other than its exclusive economic zone is limited to rescuing generally accepted international rules and standards designed to protect or preserve the marine environment. The International Maritime Organization has established rules allowing coastal States to impose protective measures in order to commend freedom of navigation in environmentally sensitive maritime areas, and if a coastal State considers that international standards are insufficient to protect a clearly defined area within its exclusive economic zone, it may request the IMO to authorize the adoption of mandatory measures. Especially to prevent ships from being polluted within the region, these measures, if approved by the International Maritime Organization, could go beyond international standards.

It falls within the international means and mechanisms to protect the human right to a healthy environment, we find the Foundation of International Environmental Judiciary, and the term international environmental judiciary does not mean the existence of a judicial body or an international court specialized in adjudicating environmental disputes today, but rather it is a term that includes all courts and international judicial bodies of the United Nations or emanating from agreements related to the protection of one of the environmental elements, in addition to the project of the International Court for the Environment, which has not seen the light to this day, as on several occasions and during

many conferences, calls have been repeated to establish an international judiciary for disputes in environmental issues, through the establishment of an international court. Environmental issues of an international nature are presented to it.

[1] - Hussein Al-Khishn, *Islam and the Environment - Steps towards an environmental jurisprudence*, Dar Al-Malak, second edition, 2011, pp. 75-76. behave.

[2] - Same, p. 91.

[3] - Surah

[4] - Qutb Raissouni, *Preserving the Environment from an Islamic Perspective*, Dar Ibn Hazm Beirut Lebanon, first edition, 2006, p. 177, and beyond

[5] - Abu Ishaq al-Shatibi, *Agreements in the Fundamentals of Sharia*, Sharkh and Graduation by Abdullah Diraz, Dar al-Maarifa, Beirut, Lebanon, first edition 2008, vol. 4, p. 174 and beyond.

[6] - Ahmed Bin Yahya Al-Wonsharisi, *The Arabized Standard and the Maghrib Collective on the Fatwas of the Scholars of Ifriqiya, Andalusia and Morocco*, a group of jurists under the supervision of Muhammad Al-Hajji, Dar Al-Gharb Al-Islami, Beirut, edition 1981/1401 AH, Vol. 6, p. 441 and beyond.

[7] - Ahmed Saeed Al-Majildi, *Facilitating the provisions of pricing, introduction and investigation*, Musa Laqbal, The National Company for Publishing and Distribution, Algeria, 1981 edition, pp. 65-66.

[8] - Same, p. 82.

[9] - Abu Abdullah Muhammad bin Ibrahim al-Lakhmi: *Ibn al-Rami al-Tunisi, Announcing the Rulings of al-Bunyan*, presented by Abdullah al-Daoudi, published in the *Journal of Maliki Jurisprudence and Judicial Heritage in Morocco*, a magazine issued by the Ministry of Justice in Morocco, Issues 2, 3, 4, second year, Dhul-Qi'dah September 1982, pp. 384-386.

[10] - Abu Barakat Ahmed bin Ahmed al-Dardir, *The Small Commentary on the Nearest Path to the Doctrine of Imam Malik*, Issa al-Babi Press, Cairo, without edition or year of publication, vol. 3, p. 622.

[11] - Al-Wonsharisi, *Al-Maiyar*, op.cit., Part 8, pg. 4-5.

[12] - *Hisba in Islamic Egypt*, previous reference, p. 203 and beyond. And the announcement in the provisions of the structure, previous reference, p. 39.

[13] - Ibrahim bin Ali bin Abi Al-Qasim bin

Farhoun, *The Rulers' Insight into the Fundamentals of the Districts and the Curricula of Rulings*, Dar Al-Maarifa, Beirut, without edition or year of publication, Volume 2, pg. 366.

[14] - Same, vol. 2, p. 350.

It is worth mentioning here some of the international judicial bodies that have been resorted to over the past years in issues related to the environment.

* Permanent Court of Arbitration: Arbitration is traditionally considered an easy method for countries to accept due to its relative flexibility, as the disputing countries usually reserve the right to choose the members of the arbitral tribunal and the rules by which it settles the dispute and adhere to them, or the arbitral tribunal applies the established and recognized rules in international law ([1]).

The Permanent Court of Arbitration was established in 1899 with the aim of facilitating the use of arbitration and the settlement of disputes between states. This court was established by the Convention for the Peaceful Settlement of International Disputes concluded at The Hague in 1899 during the First Peace Conference [2].

* The International Court of Justice: is the principal judicial organ of the United Nations. This court is in charge of adjudicating in accordance with the provisions of international law in disputes that arise between states. It also specializes in providing advisory opinions on legal issues that may be referred to it by the United Nations organs and its specialized agencies ([3]).

The International Court of Justice was established in 1945 under the Charter of the United Nations and began its activity in 1946. Its seat is located in the Peace Palace in the Netherlands.

The crime of genocide.

- Crimes against humanity.

War crimes.

The crime of aggression.

Referring to the concept of crimes contained in Article 5, it is clear that all crimes that are serious and involve a serious violation of the basic rights of individuals are considered crimes that are considered by the International Criminal Court.

The International Criminal Court differs from the International Court of Justice, as they are

As for the entities authorized to present their cases before the International Court of Justice, only states are permitted, according to the text of Article 34/1 of the Court's Statute, which states: "Only states have the right to be parties to cases brought before the Court"([4]).

* Courts established under the Convention on the Law of the Sea: Recourse to the Chamber of the International Court of Justice for Environmental Affairs was not widespread, and at the same time other judicial bodies appeared at the international level aimed at resolving environmental disputes, and some of these bodies were specialized in cases related to some elements of the environment Exclusively, among these courts are those established under the 1982 United Nations Convention on the Law of the Sea, where cases related to crimes against the marine environment are brought before these courts. The courts established under the Convention on the Law of the Sea are: the International Tribunal for the Law of the Sea, the Court of Arbitration formed in accordance with Annex VII and the Court of Arbitration formed in accordance with Annex VIII to the Convention on the Law of the Sea of 1982([5]).

* International Criminal Court: The International Criminal Court is a permanent court established under the Rome Statute, where this charter was established in 1998, and it consists of 128 articles, and this court began its work in 2002. It is not located in New York, but rather is based in The Hague, Netherlands (6).

The International Criminal Court is a permanent and independent court, competent to try the perpetrators of very serious crimes, as its jurisdiction under Article 5 of the Rome Statute extends to the following crimes:

two separate systems, as the first is not an organ of the United Nations, unlike the second, which is one of the organs of the United Nations that has the power to resolve disputes between states, while the authority of the International Criminal Court is limited to crimes committed by it. individuals ([7]).

* The International Court of the Environment project: Due to the

increasing number of environmental cases before the international judiciary, calls have emerged calling for the establishment of an international court on climate, so that the victims of climate change can sue those responsible for polluting the environment and global warming ([8]).

This idea was presented at the Rio de Janeiro Conference, which was held on July 2-4, 2012, where the idea of establishing an international court was presented at the beginning of the conference, but this idea was not embodied and the project was withdrawn at the end of the conference from the agenda and the final documents, and the lack of will. The political reason why the project did not come to light at the time.

Paragraph Two: Legal means and mechanisms to protect the human right to a healthy environment in national legislation

The legal jurisprudence unanimously agrees that managing the environment and managing its affairs constitutes one of the difficult tasks of management because it not only requires an effort to confront environmental risks through many interventions and at various levels, but also must redouble this effort in order to create a balance between different interests, especially economic and ecological, Usually contradictory in practice, this effort must also confront the impediment of inter- institutional coordination, which is of paramount importance in the environmental field.

The Kingdom of Morocco has adopted an integrated legal approach to protecting the environment, which is based on the state's intervention in managing environmental risks and seeking to preserve and protect the environmental space, according to legal requirements that include directive and control measures, injunctive requirements, and the creation of public and private bodies and institutions, concerned with the protection of the environment.

* The Economic, Social and Environmental Council: This Council, which was constitutionalized under the 2011 Constitution, and which is competent to express its opinion on:

a. Drafts and proposals of laws that establish a framework for the basic objectives of the state in the economic, social and environmental fields;

NS. Projects related to major development

choices and projects of strategies related to the general policy of the State in the economic, social and environmental fields;

NS. Drafts and proposals of laws of an economic, social and environmental nature, particularly those aimed at regulating relations between employees and employers and enacting systems for social coverage, as well as everything related to public policy of an economic, social, cultural or environmental nature. After a request from the government or one of the chambers of Parliament.

The council must give its opinion regarding projects, proposals and issues referred to it within a period not exceeding three months, effective from the date of its receipt. This period shall be reduced to twenty days, if the state of urgency and its reasons are raised in the referral letter addressed to him by the government or by one of the two Houses of Parliament.

The council may, on an exceptional basis, request an extension of the aforementioned two deadlines with an explanation of the compelling reasons, if it is unable to provide the required consultation during them, provided that the extension does not exceed half of the original period. Not exciting for any notes he has.

- The council may, on its own, express opinions, submit suggestions, or carry out studies or research in its areas of competence, provided that it informs the government and both houses of parliament ([9]).

* Environmental crimes control and inspection devices: The Moroccan legislator has assigned the task of examining and controlling environmental crimes to judicial police officers of general jurisdiction who have the power to verify the occurrence of crimes, whatever their nature, including those that affect the environment, collect evidence about them and search for their perpetrators.

This task is for judicial control bodies with special jurisdiction, whose role is limited to examining and controlling violations of the provisions of the law that regulates the areas charged with managing them.

[1] - Salah Abdel-Rahman Abdel-Hadithi, The International Legal System for the Protection of the Environment, Al-Halabi Human Rights Publications, Beirut, first edition, 2010, p. 270.

- [2] - Sarah's pension, The role of the international judiciary in protecting the environment, an article published within the proceedings of the Forum for Environmental Protection Mechanisms, Algiers, December 30, 2017, p. 83.
- [3] - Same, p. 85.
- [4] - International Court of Justice website, dated 24/11/2019, at 9:30, www.icj-cij.org/en
- [5] - Specialized Legal Encyclopedia, visit date 10/24/2019 at 13:00 pm, www.arab-ency.com
- [6] - International Criminal Court website, accessed 24/11/2019, at 14:30, www.crin.org
- [7] - Sarah's pension, The role of the international judiciary in protecting the environment, previous reference, p. 90.
- [8] - Adel Al-Waqdani, Global Warming, an article published on the website www.startimes.com, accessed on the website 24/11/2019 at 18:15.
- [9] - Mohamed About, Environmental Protection in Moroccan Legislation, an article published on the Maghreb al-Qanun website, date of visit 23/11/2019, at 20:20.

Referring to the Moroccan laws for the protection of the environment, and those that regulate areas related to environmental affairs, and affect it negatively or positively, we fulfill them that include provisions that authorize judicial police officers to inspect and control violations in accordance with the provisions of environmental laws. And the judicial police officers who are meant in this regard are those mentioned in Articles 89 and 61 of Law No. 18.66 related to criminal procedure (1).

It is worth noting that the Framework Law No. 99.12 serves as a national charter for the environment and sustainable development. Article 12 stipulates the creation of an environment police to enhance the authority of the concerned departments in the field of prevention, control and inspection.

- * Delegate in charge of the environment.
- * Delegate Ministry in charge of Water,
- * High Commissioner for Water, Forests and Combating Desertification.
- * Economic, Social and Environmental Council.
- * Mohammed VI Foundation for the Protection of the Environment.
- * Various central, regional and regional interests concerned with the protection of environmental fields.
- * Multiple associations active in protecting the environment.

And because the environment is one of the values that the Moroccan legislator seeks to protect and preserve, the latter has bestowed on it, in addition to the above, legal protection, and one of its most prominent manifestations is the criminal and judicial protection of environmental systems. So we will stop a little with this effective mechanism if it is well used.

. * Judicial Institution The judicial system's protection of the right to a healthy environment is manifested through the role of the Public Prosecution Office, as well as through judicial decisions.

A- The role of the Public Prosecution Office in protecting the human right to a healthy environment: By extrapolating the environmental protection system under Moroccan legislation, we find that the Public Prosecution Office keeps pace with the national public policy aimed at protecting the environmental fields, as it undertakes several tasks, which can be summarized as follows:

Receive minutes, complaints and rumors related to environmental fields, and take what it deems appropriate on its subject.

- The judges of the Public Prosecution shall initiate themselves or issue instructions to the competent police in order to conduct the necessary investigations and carry out the necessary research regarding the observed environmental violations, arrest the perpetrators, search with them and bring them, and initiate the public action against them when required.

- Participation in regional committees to study the impact on the environment.

Monitoring the phenomenon of environmental crimes committed in its sphere of influence, through the creation of a special registry, and the creation of an environmental information database.

- Ensuring the proper application of the requirements of environmental protection laws, in order to achieve the goal envisaged by the Moroccan legislator when drafting the mentioned texts. And other roles that are difficult to mention here.

B- Protecting the human right to a healthy environment through judicial decisions: There is no doubt that the judiciary provides judicial protection for the environment of a great deal of importance, through rulings and decisions Issued in environmental cases, which requires that environmental violators be held accountable for the violations attributed to them, and punished for that in accordance with the follow-up chapters, and that they pay civil compensation to the affected party,

which leads to the reprimand of those concerned, and we will suffice in this regard to address some of the issues.

In one of the decisions of the former Supreme Council, the Court of Cassation, which is currently related to one of the forest cases, stated, "While the court has the right to derive its conviction from all the evidence presented to it and to take what it was satisfied with and put forward what is not, then it must adhere to the fundamental rules of evidence. When she excluded the record of the violation, which can only be challenged by falsehood in accordance with Chapter 26 of the Dahir of 10.10.1917, based on a technical experience carried out in the case as a valid argument for reversing this record, she would have justified her decision with a corrupt reasoning and in violation of the requirements of Article 292 of the Code of Criminal Procedure. and subjected it to rebuttal" ([2]).

- The Larache Primary School justified its decision regarding an environmental violation by saying: "...as it is established from the forest violation report that the person who issued the violation verified the presence of a charcoal burning inside the forest, and it was found that the accused in question was the perpetrator of the violation, the subject of the report that established the follow-up box (cutting and charring the materials). Forestry within the state forest without a license).

Whereas the minutes made by the water and forestry officials are documented in their content regarding the verification of the violations stipulated in the Dahir of October 10, 1917 (Chapter 65) unless falsely challenged,

And since accordingly, the violation subject to follow-up is fixed in his right and he must be held accountable for it, and since the demands of the Water and Forests Department are justified and must be responded to.

The operative: "Abus the accused for what is attributed to him to punish him, it is imposed on him with a fine of 9,600 dirhams, restitution in the amount of 1,050 dirhams, and compensation of 9,600 dirhams..."([3]).

In the context of protecting the environment, the Moroccan Court of

Conclusion

What this research concluded is that our Islamic Sharia, with its doctrinal and ethical system, has established a system that guarantees the environment its

Cassation recognized in some decisions the state's responsibility for the damage resulting from industrial processes, which leave waste falling on the leaves of plants and on neighboring lands. Among these decisions:

- Resolution No. 779 dated 9/12/2007 (Administrative Chamber, Section Two)

Continuous environmental damage - state responsibility - compensation - statute of limitations - no

"There is no place to adhere to the statute of limitations, given that the smoke that was expelled by the respondent's laboratories and the chemical waste dumped by it is considered a continuous and unstoppable occurrence."

In another decision, it stated that "the court issuing the contested decision when it considered that the responsibility of the Sharif Phosphate Office is a responsibility for the risks because its treatment caused damage to the plaintiff's land as a result of the neighborhood due to waste and dust, and it is sufficient for this responsibility to prove the damage and the causal relationship without admitting the error and this was confirmed by experience Like a woman, when she decides to pay compensation, she has applied the law correctly"([4]).

The judicial protection of environmental systems has taken several levels, including criminal, civil and administrative, with the importance of sensitizing judges to the implementation of flexible controls in the assessment of ecological interest and damage, to contribute to the deepening of environmental law, which is basically like administrative law, made by the judiciary, because its rules are made by the ecological judge. To move forward in deepening ecological judicial awareness, so that it bears the desired fruits, namely, reprimanding cases of environmental destruction, putting an end to ecological deviants and acknowledging the responsibility of its perpetrators, and judging appropriate compensation for the redress of those affected, thus contributing in a clear and decisive manner to limiting environmental changes and climate disturbances that have become threaten humanity.

existence on the one hand, and its protection on the other hand. Prophet: "The civilizational framework with all its contents is related to the aesthetic taste. Indeed, beauty is the framework that forms in any civilization." Then he formulated this

equation: Moral principle + aesthetic taste = the direction of civilization. This is what man-made laws have been searching for centuries.

It also concluded that the philosophy of law as a human production lacks morality and the conscience awakening, as physical punishments are not sufficient to deter violators of environmental human rights.

[1] - they are:

- The King's Public Prosecutor, the King's Attorney and their deputies, and the investigative judge, as

they are high-ranking officers of the Judicial Police.

- The Director General of National Security, the security governors, the observers general of the police, and the police chiefs and officers.

- Royal gendarmerie officers with rank in it, as well as gendarmes who command a division or center for the royal gendarmerie for the duration of this command.

- Pashas and pimps.

- Police inspectors affiliated with the National Security, who have spent at least three years in this capacity, and were granted the capacity of judicial police officers by a decision of the Minister of Justice and Freedoms and the Minister of Interior.

- The gendarmes who have spent at least three years of service in the Royal Gendarmerie, and have been granted the capacity of judicial police officers by a joint decision of the Minister of Justice and Liberties and the governmental authority in charge of national defense.

[2] - Supreme Council Decision No. 7/331, issued on 02.07.2007, in the misdemeanor file No. 9027/2006. published decision.

[3] - Judgment issued by Larache Elementary School on 04/24/2014 in file No. 130/14/2107. published ruling.

[4] - Court of Cassation Decision No. 364 issued on 6/3/2009 in the administrative file No. 1009/4/2/2008. published decision.

References

- Abdul Aziz Shaker Hamdan Al-Kubaisi, Environmental Protection in the Light of the

Purified Sunnah, research published on the Internet, Alukah Scientific Network Edition.

- Abu Abdullah Muhammad bin Ibrahim al-Lakhmi: Ibn al-Rami al-Tunisi, Announcing the Rulings of al-Bunyan, presented by Abdullah al-Daoudi, published in the Journal of Maliki Jurisprudence and Judicial Heritage in Morocco, a magazine issued by the Ministry of Justice in Morocco, Issues 2, 3, 4, second year, Dhul-Qi'dah September 1982, pp. 384-386.
- Abu al-Hasan Muslim ibn al-Hajjaj al-Nisaburi, Sahih Muslim, Book of Faith, chapter on the prohibition of arrogance and its clarification (Hadith No. 275).
- Abu Barakat Ahmed bin Ahmed al-Dardir, The Small Commentary on the Nearest Path to the Doctrine of Imam Malik, Issa al-Babi Press, Cairo, without edition or year of publication, vol. 3.
- Abu Dawood Suleiman bin Al-Ash'ath Al-Sijistani, Al-Sunan, Book of Sales: Chapter on Preventing Water (Hadith No. 3016) Judgment on his Hadiths, Muhaddith Muhammad Nasir Al-Din Al-Albani, Dar Al-Kitab Al-Arabi, Beirut, without edition or year of publication.
- Abu Ishaq al-Shatibi, Agreements in the Fundamentals of Sharia, Sharkh and Graduation by Abdullah Diraz, Dar al-Maarifa, Beirut, Lebanon, first edition 2008, vol. 4, p. 174 and beyond.
- Adel Al-Waqdani, Global Warming, an article published on the website www.startimes.com, accessed on the website 24/11/2019 at 18:15.
- Ahmed Bin Yahya Al-Wonsharisi, The Arabized Standard and the Maghrib Collective on the Fatwas of the Scholars of Ifriqiya, Andalusia and Morocco, a group of jurists under the supervision of Muhammad Al-Hajji, Dar Al-Gharb Al-Islami, Beirut, edition 1981/1401 AH, Vol. 6, p. 441 and beyond.
- Ahmed Saeed Al-Majildi, Facilitating the provisions of pricing, introduction and investigation, Musa Laqbal, The National Company for Publishing and Distribution, Algeria, 1981 edition, pp. 65-66.
- Al-Bukhari, The Book of Farming: Chapter on the merit of planting and planting when it is eaten, (Hadith No. 2152). Previous reference.
- Al-Kubaisi, Protecting the Environment in the Light of the Purified Sunnah, previous reference (pg. 19) adapted.

- Al-Kubaisi, Protecting the Environment in the Light of the Purified Sunnah, previous reference (pg. 25) adapted.
- Al-Wonsharisi, Al-Maiyar, op.cit., Part 8, pp. 4-5.
- Court of Cassation Decision No. 364 issued on 6/3/2009 in the administrative file No. 1009/4/2/2008. published decision.
- Hisba in Islamic Egypt, previous reference, p. 203 and beyond. And the announcement in the provisions of the structure, previous reference.
- Hussein Al-Khishn, Islam and the Environment - Steps towards an environmental jurisprudence, Dar Al-Malak, second edition, 2011, pp. 75-76. behave.
- Ibrahim bin Ali bin Abi Al-Qasim bin Farhoun, The Rulers' Insight into the Fundamentals of the Districts and the Curricula of Rulings, Dar Al-Maarifa, Beirut, without edition or year of publication, Volume 2.
- Imam Ahmad bin Hanbal bin Hilal Al-Shaibani, Al-Musnad, (Hadith No. 12512), investigated by Shuaib Al-Arnaout, and Adel Murshid, Al-Resala Foundation, Beirut, second edition, 1999 AD.
- Imam Al-Bukhari, Al-Adab Al-Mufrad, (Hadith No. 891)
- International Court of Justice website, dated 24/11/2019, at 9:30, www.icj-cij.org/en
- International Criminal Court website, accessed 24/11/2019, at 14:30, www.crin.org
- Judgment issued by Larache Elementary School on 04/24/2014 in file No. 130/14/2107. published ruling.
- Laila Al-Yaqoubi, The Right to a Safe Environment, Human Rights Generation Journal, No. 2, April 2014.
- Laila Al-Yaqoubi, The Right to a Safe Environment, previous reference.
- Mehri Shafiq, Environmental Protection and Environmental Values from the Perspective of the Islamic Religion, Proceedings of the Second International Conference, The Right to a Sound Environment in Internal and International Legislation and Islamic Law. Held in Beirut 27-29 December 2013, p. 68. Adapted.
- Mohamed Ahout, Environmental Protection in Moroccan Legislation, an article published on the Maghreb al-Qanun website, date of visit 23/11/2019, at 20:20.
- Muhammad bin Ismail al-Bukhari, The Sahih Musnad, Book of Ablution, Chapter on Urine in Persistent Water (Hadith No. 236), numbered by Muhammad Fouad Abd al-Baqi, Dar al-Hadith, Cairo 2011 edition.
- Muhammad bin Saleh bin Muhammad Al-Uthaymeen, Sharh Riyadh Al-Salihin, Dar Al-Watan Publishing, Riyadh, Saudi Arabia, edition 1426 AH, (3/494).
- Muhammad Nasir al-Din al-Albani, Irwa al-Ghalil in the graduation of the hadiths of Manar al-Sabeel, (corrected by al-Tirmidhi) part 6, p. 45. In the wording of al-Bukhari: (Whoever lives on a land that is not for anyone, he is more worthy).
- Qutb Raissouni, Preserving the Environment from an Islamic Perspective, Dar Ibn Hazm Beirut Lebanon, first edition, 2006, p. 177, and beyond.
- Salah Abdel-Rahman Abdel-Hadithi, The International Legal System for the Protection of the Environment, Al-Halabi Human Rights Publications, Beirut, first edition, 2010.
- Sarah's pension, The role of the international judiciary in protecting the environment, an article published within the proceedings of the Forum for Environmental Protection Mechanisms, Algiers, December 30, 2017.
- Sarah's pension, The role of the international judiciary in protecting the environment, previous
- Specialized Legal Encyclopedia, visit date 10/24/2019 at 13:00 pm, www.arab-ency.com
- Sri Zaid Al-Kalani, Regulatory and Punitive Care of the Natural Environment in Islam, The Jordanian Journal of Islamic Studies, Volume 13, No. 2, 2017.
- Supreme Council Decision No. 7/331, issued on 02.07.2007, in the misdemeanor file No. 9027/2006. published decision.
- Surah Al-Jathiya, Verse 13.
- Surah An-Nahl, Verse 14.
- Surah Ibrahim, verse 32.
- Surah Yassin, Verse 33.
- Surat Al-A'raf, Verse 74.
- Surat Al-Anbiya, verse 30.
- Surat Al-Baqarah, Verse 164.
- Surat Al-Baqarah, verse 205.
- Surat Al-Baqarah, Verse 29.
- Surat Al-Hajj, Verse 63.
- Surat Al-Hajj, Verse 65.
- Surat Al-Ra'd, Verse 4.
- Surat Al-Sajdah, Verse 27.
- Surat Al-Waqi'ah, verses 68 and 693.
- Surat An-Nur, Verse 45.
- UNESCO has estimated that desertification threatens 3,600 hectares of land, or approximately 70% of the land is

- arid, and this situation is negatively reflected on about 480 people in the world.