

**BLOCKING THE MEANS TO EVIL (SADD AL-DHARA'I) AND ITS EFFECT ON PRESERVING THE ENVIRONMENTAL SYSTEM IN THE KINGDOM OF SAUDI ARABIA**

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ABSTRACT

This academic study addresses the jurisprudential and legislative dilemma concerning how to utilize the principle of “Blocking the Means to Evil (Sadd al-Dhara’i)” as an effective fundamental tool within the legal system for environmental protection and sustainability. While many actions related to resource utilization (such as grazing or land exploitation) are fundamentally permissible, the unrestricted practice of these actions may, often and predominantly, lead to a significant and recognized environmental detriment. This study presents the principle of “Sadd al-Dhara’i” as the foundational jurisprudential framework that legitimizes the imposition of regulatory restrictions aimed at preempting the cause of corruption and averting environmental harm before it occurs. Utilizing the descriptive-analytical methodology, the research deconstructs and analyzes the technical and linguistic concept of the rule of “Sadd al-Dhara’i,” clarifying its three jurisprudential categories and the ruling for each. This is conducted in parallel with grounding the technical and linguistic concepts of the “Environment” and defining its natural and built components. The research then shifts to the applied aspect, inductively examining and analyzing practical applications of this rule within the texts of the operative environmental regulations in the Kingdom of Saudi Arabia. The analysis focuses on three axes, regulating grazing, protecting national parks, and controlling the exploitation of vegetation cover lands.

Keywords: Blocking the Means, Environmental, Saudi Arabia, System.

INTRODUCTION

At the beginning of the twenty-first century, environmental protection stands out as one of the most significant challenges facing humanity, requiring effective legislative and legal solutions. From an Islamic perspective, the environment is viewed not merely as “the medium or spatial domain in which man lives”, but, more comprehensively, as “a set of natural, social, and cultural systems in which man and other creatures live, and from which they derive their



sustenance and perform their activities" (Mursi, 1999). Specialists have distinguished between two main categories of this environment: the "natural environment" with its components of water, air, soil, and living organisms, and the "built environment" established by humans, comprising infrastructure and social institutions (Al-Fiqqi, 1999).

In a related context, Islamic Sharia is rich in tools and principles aimed at establishing order and averting corruption. The fundamental principle of "Blocking the Means to Evil (Sadd al-Dhara'i)" stands as one of the most important of these tools. Linguistically, *al-Dhari'a* (plural: *al-Dhara'i*) is defined as the means or method. Technically (*istilah an*), "Sadd al-Dhara'i" means the "prohibition of actions that are ostensibly permissible if they lead and are utilized to reach a forbidden act" (Ibn Hazm, n.d.; Al-Zarkashi, n.d.; Ibn Badran, n.d.). In other words, it is a preventive methodology for precluding the cause of corruption before it intensifies.

Hence, the core problem that this research paper seeks to address arises: How can actions that may be permissible in origin (such as grazing, land exploitation, or recreation) be reconciled with the strict regulatory restrictions imposed by the contemporary necessity of environmental protection?

This study proposes a central hypothesis: Islamic jurisprudence, represented by the Maliki and Hanbali schools and the majority of jurists of fundamentals (*Usuliyun*), possesses the tool of "Sadd al-Dhara'i" (specifically the third category concerning what predominantly leads to detriment) as a robust and flexible Sharia framework. This framework grants the State (the ruler, *Wali al-Amr*) the authority to restrict the permissible if its unrestricted application leads predominantly to an environmental detriment. Consequently, the environmental regulations in the Kingdom of Saudi Arabia do not merely represent a response to international requirements, but rather a sophisticated and deliberate application of this authentic jurisprudential principle.

RESEARCH PROBLEM

The research problem crystallizes in the following primary question: To what extent can the rule of "Sadd al-Dhara'i" be activated as a legitimate Sharia tool and jurisprudential methodology for establishing regulatory controls and procedures that protect the environmental system, in its natural and built components, from practices that, while permissible in origin, lead predominantly and significantly to environmental detriment?



- What is the precise descriptive concept of the “Environment” and “Sadd al-Dhara’i” in the theoretical framework of the research?
- What are the jurisprudential controls that govern the application of this type of means (the third category)?
- How is this rule (“Sadd al-Dhara’i”) practically and tangibly manifested in the texts of the operative environmental regulations in the Kingdom of Saudi Arabia?

RESEARCH OBJECTIVES

This research seeks to achieve a set of specific objectives:

- To provide a precise conceptual and technical analysis of the term “Environment,” and identify its main categories (natural and built) as presented in contemporary literature and the history of Islamic thought.
- To identify and clarify the technical concept of the rule of “Sadd al-Dhara’i,” deconstructing its three jurisprudential categories and clarifying the ruling for each, with a focus on the third category (the point of contention) which represents the basis of the application in this research.
- To prove with applied evidence that Saudi environmental regulations are a practical application of this jurisprudential rule, through an inductive analysis of specific regulatory models aimed at environmental protection.

RESEARCH METHODOLOGY

To achieve the research objectives and answer its questions, a composite methodology integrating two complementary approaches was adopted:

- *Descriptive-Analytical Methodology (Foundational):* This method is used in the theoretical section of the study to describe, analyze, and ground the fundamental jurisprudential and *Usul* concepts. It reviews the linguistic and technical definitions of the terms “Environment” and “Sadd al-Dhara’i,” and analyzes the opinions of scholars and jurisprudential schools regarding its ruling, leading to the construction of an integrated theoretical framework.



- *Inductive Methodology (Applied)*: This method is used in the applied section of the study.

Instead of being limited to theoretical exposition, the research inductively examines specific regulatory (legal) texts from the Saudi Environmental System, and analyzes them to prove that they all originate from a single legislative philosophy: the application of the rule of “Sadd al-Dhara’i” to avert environmental detriment and realize the public interest.

THE JURISPRUDENTIAL FRAMEWORK OF THE RULE AND CONCEPTUAL GROUNDING

This section constitutes the theoretical basis of the study, systematically constructing the argument starting from the foundational definitions that govern the two variables of the research: the environment and *Sadd al-Dhara’i*.

The Concept and Evolution of the “Environment”

To understand the subject of protection, a precise definition of the “Environment” is necessary.

- *Linguistically*: The root is derived from “Bawwa” and “Ba’a,” carrying several meanings, including correspondence and aiming (*Bawwa’ Al-Rumh*), preparing a place, and dwelling (*Tabawwa’ Al-Makan*). Hence, *Husn Al-Bi’ā* refers to the state of dwelling (Ibn Manzur, 1414 AH).
- *Historically (among Muslims)*: Muslim scholars have used this term since the third century AH to refer to the natural, geographical, and biological surroundings, as well as the intellectual and ethical climate surrounding humans (Al-Fiqqi, 1999; Mursi, 1999).
- *Technically (Modern)*: Due to the multiplicity of its application fields (genetic, urban, cultural environment), its definitions have multiplied. Modern ecology defines the environment as: “The medium or spatial domain in which man lives, including natural and human phenomena that affect him and are affected by him” (Al-Fiqqi, 1999). It is also defined as: “A set of natural, social, and cultural systems in which man and other creatures live, and from which they derive their sustenance and perform their activities” (Mursi, 1999).
- *Categories of Environment*: Technically, the environment is divided into two main categories indispensable to humans:



- *Natural Environment*: Consisting of resources God made available to man (water, air, soil, minerals, energy sources, and living organisms in all their forms).
- *Built Environment*: Consisting of the physical infrastructure built by man, in addition to the social systems and institutions established by him (Al-Fiqqi, 1999).

The Concept and Categories of “Sadd al-Dhara’i”

- *Linguistic Definition*: The term consists of two parts:
 - “*Sadd*” (*Blocking*): Means a dam, barrier, or closure (Al-Razi, 1999).
 - “*Al-Dhara’i*” (*The Means*): The plural of *Dhari’a*, linguistically meaning the “means” or way to something else (Ibn Manzur, 1414 AH).
 - Thus, “*Sadd al-Dhara’i*” means the removal of the means and precluding the material cause.
- *Technical Definition (by Usuliyyun)*: *Al-Dhari’a* is defined as: “That which is ostensibly permissible, but is utilized to reach a forbidden act”. The rule means the “prohibition” of that permissible act, if the intention behind it is to reach the forbidden, or even if it is not intended, but leads to it predominantly. The goal is the prohibition of the act and what results from it (Ibn Hazm, n.d.; Al-Zarkashi, n.d.; Ibn Badran, n.d.).
- *Categories of Al-Dhara’i*: The Usuliyyun divided *Al-Dhara’i* into three categories, which differ in their ruling (Al-Qarafi, n.d.; Ibn Al-Qayyim, n.d.; Al-Shatibi, n.d.; Al-Zarkashi, n.d.):
 - *What leads to detriment definitively (Prohibited by consensus)*: Example: Selling grapes to one known to make wine from them. The basis for its prohibition is God’s forbidding Muslims from insulting the deities of disbelievers (despite deserving insult) so that they would not insult God, which is the prohibition of an ostensibly permissible act that leads to an absolutely forbidden matter.
 - *What leads to detriment rarely (Not prohibited by consensus)*: Example: Neighboring houses, which might rarely lead to adultery. The rule here is that “what is rare has no ruling,” and the consideration is for the predominant interest.
 - *What leads to detriment predominantly (Point of contention)*: This is the category



where leading to detriment is predominant and manifest, but not absolute. This type is the point of contention among scholars and is the core of the application in this research.

- *First View (Prohibition):* The Malikis, Hanbalis, and the majority of *Usuliyyun* believe in the necessity of prohibiting and blocking these means, considering them independent Sharia evidence. Whenever the act leads to a predominant detriment, it must be prohibited (Ibn Hazm, n.d.; Ibn Al-Qayyim, n.d.; Al-Zarkashi, n.d.; Ibn Badran, n.d.).
- *Second View (Non-Prohibition):* Some Hanafis and Shafi'is believe in not blocking these means as independent evidence, unless there is an explicit text, consensus, or analogy for its prohibition.

This research will adopt the First View (Prohibition) as the framework for analyzing environmental regulations.

PRACTICAL APPLICATIONS IN THE SAUDI ENVIRONMENTAL SYSTEM:

This section presents material evidence that the philosophy of environmental legislation in the Kingdom, despite its modern legal formulation, represents a precise practical embodiment of the rule of “*Sadd al-Dhara'i*” in its fundamental jurisprudential sense (the First View).

Regulating Grazing and Protecting Vegetation Cover

- *The Regulation:* A provision of the system granted a specialized center the authority to “prohibit grazing” in specific and sensitive geographical areas (such as land borders, coastal tree sites, and other areas mentioned in the Article). The prohibition was not absolute, but restricted by “specific conditions and times”.
- *The Prohibited Means (Restricted Permissible):* The permissible action that was restricted is “grazing,” which is an original and permissible right of utilization.
- *The Public Interest (Averting Detriment):* This restriction serves a predominant public interest by averting the detriment of “excessive use of grazing,” and the resulting “consumption of rangeland areas within the vegetation cover” (i.e., desertification and environmental degradation).
- *Jurisprudential Derivation:* This regulatory measure is considered a direct application of



the rule of “Sadd al-Dhara’i”. The ruler (through the specialized center) did not prohibit grazing because it is inherently forbidden, but prohibited it as a means (dhari’ā) that predominantly leads to a significant detriment in these sensitive areas. This “falls under the principle of acting by the rule of Sadd al-Dhara’i”.

Regulating the Exploitation of National Parks

- *The Regulation:* A provision of the system stipulated the “prohibition of practicing any activity in national parks unless authorized by a license and permit from the Center”.
- *The Prohibited Means (Restricted Permissible):* The permissible action is the “practice of activity” (such as recreation, camping, or any other use) in public land designated for public benefit.
- *The Public Interest (Averting Detriment):* The interest here is “precluding the means of tampering and negligence”. Unrestricted permission for activities may predominantly lead to harm to “park areas and national facilities”.
- *Jurisprudential Derivation:* This measure represents the activation of the preventive ruling philosophy in Sharia. Instead of permitting access to all and then punishing those who cause damage (which may be difficult to enforce), the means of potential corruption is blocked by requiring a prior license, which ensures regulation and oversight. This measure “falls under the requirement of the rule of Sadd al-Dhara’i”.

General Regulation of Vegetation Cover Lands Exploitation

- *The Regulation:* More generally, a provision of the system stipulated comprehensive controls within the environmental domain, consisting of “requiring a license and permit for practicing any type of activity and use in vegetation cover lands”.
- *The Prohibited Means (Restricted Permissible):* The permissible action is the general “use” or “activity” on vegetation cover lands.
- *The Public Interest (Averting Detriment):* The justification and goal of these requirements (licenses) is to “prevent the means that lead to the exploitation of vegetation cover resources and the illegal use of environmental components”.
- *Jurisprudential Derivation:* This general requirement (the license) is a restriction on the



permissible, and its fundamental jurisprudential basis is the “prevention of the means” that lead to excessive and random exploitation of resources. This consideration “justifies its adoption based on the rule of *Sadd al-Dhara’i*”.

CONCLUSION

The precise concept of the “Environment” as a composite concept (natural and built) was identified. The rule of “*Sadd al-Dhara’i*” was grounded as a flexible jurisprudential tool aimed at averting detriment before it occurs, especially in its third category, which is the consensus position of the majority of *Usuliyun*. The applied analysis proved conclusively that the environmental regulations in the Kingdom of Saudi Arabia, in aspects related to regulating grazing, protecting national parks, and controlling vegetation cover exploitation - are not merely innovative positive legislations, but are deeply rooted in Islamic jurisprudence and based on the authentic philosophy of “*Sadd al-Dhara’i*”. These findings confirm the main hypothesis of the research: the Saudi environmental legal framework represents a successful model for reconciling the timeless principles of Sharia (averting detriment) with the urgent demands of the modern era (environmental protection). The rule of “*Sadd al-Dhara’i*” functions as a jurisprudential bridge linking foundational texts with the contemporary need for sound environmental governance, demonstrating that Islamic Sharia possesses the inherent capacity to produce effective and sustainable solutions to global challenges.

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