

Environmental Legislation In The Islamic Republic of Iran's Constitution

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ABSTRACT — Environment has been bestowed to mankind by God as a life requirement for him. What is increasingly important is its appropriate use to fulfill which rule of law on direct and indirect legislation-national and local legislations- on environments should be carried out. Derived from the Islamic Shariah, on the basis of its regime and legislative system, explicitly mentioned environment (jungle, pastures...), in its constitution, as a part of public property, specifying a special legislation for it. Like any other legislation, this legislation is quite efficient considering the preservation of the environment for the current and future generations a public responsibility and has tried to play the role.

KEY WORDS: Environment, human's life, constitution, Islam.

Introduction

As a comprehensive, preventive and inclusive religion, Islamic has undisputable regulations and rules fulfilling mankind's requirements of all time. Bearing in mind that today, environmental crises (Islam Poorkarimi, 2011) threaten nature and intensifies its destruction, and the extinction of bio-diversity is the certain consequence. The issue is a concern to the authorities of rules, conventions¹,...leading them toward the main adjective² of preservation of environment. On the basis of the comprehensive Islamic law, the issue is a main concern of the day. It has also been given attention by the international community. Islam sanctifies all divine graces including environment mention it in its certain documents as in Quran³. Prophets and religious leaders have even in difficult situations, given special attention to protection of environment through their speeches on damaging trees⁴, divine trust⁵,etc and in their practical attitudes such as planting trees⁶, and these show Islam's comprehensive concern for human being and environment. Article 45 of the constitution of the Islamic regime in Iran 2 mentioned jungles, pastures,... under the leader's sovereignty and specifies that he should use it for the public benefit. Article 48 also clarifies that there has to discrimination in the use of them. More importantly, article 50 considers protection of the environment as the responsibility of the generations of all time, and specifies it as an order banning any activities that may contaminate or damage it. This indeed clarifies the holiness of God's graces. Moreover, article 4 clarifies that all regulations and rules in the Islamic Republic system have to be based on Islam's teachings including environment, the negligence of which is forbidden.

Conclusions

Finally, human as a divine creature with infinite capabilities bestowed upon him by God, on the basis of Islam's teachings and above articles has to be careful about the use of environment, indiscriminability, and its protection. The constitution of the Islamic Republic of Iran considers its guarantee as the leader's responsibility. Article 79 also focuses of Islamic teachings as the cornerstone while the other above mentioned 3 articles also point to the importance of the supreme purpose of protecting and preserving the environment.

¹ 280 treaties and agreements have been signed among which conventions and protocols are global: www.ahmadvand.org/article306.html

² Prevention of damages to natural elements as divine grace

³ Chapter Kahaf, verse 7; Chapter An'am, verse 46

⁴Banning the cut of trees and plants around Masjid-al-haram

⁵Chapter Hajr, verses 19,

⁶ El-al-osharaye, Sheikh Sadough

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