



PROVINCIAL FATWA
on
Marine Environmental
Protection and Conservation

May 16, 2006
(17th day of Rabi'ul Akhir, 1427 A.H.)

Bongao, Tawi-Tawi

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله ربّ العالمين والصلاة والسلام على سيّد المرسلين
وخاتم النبيين محمدٍ وعلى آله وصحبه أجمعين و من تبعه
ياحسان إلى يوم الدين.

In the Name of Allah, the Most Gracious, the Most Merciful.

All praise and thanks be to Allah, the Lord of the worlds and blessings and peace be upon the Chief of Apostles and Seal of Prophets, Muhammad and upon his Family, Companions and those who followed him in an excellent fashion till the Day of Resurrection.

Pursuant to the Islamic Law and its principles of equity and justice and upon unanimous concurrence of the Provincial Fatwa Formulators, by virtue of the authority vested in me by the Assembly of the Darul Ifta' as Provincial Mufti of Tawi-Tawi, I, **Abdulwahid A. Inju**, do hereby declare the **PROVINCIAL FATWA NO. 02** which states that:

- 1. Blast Fishing is prohibited in Islam because it endangers human life, destroys marine species and fish habitats such as sea corals, sea grasses and seaweeds as well as causes wastage in abandoning tiny dead fishes and sometimes large fishes.**

- a. Legal bases from the Holy Qur'an**

Allah the Most High says:

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ [البقرة: 195]

“And be not cast by your own hands to ruin.” [Al-Qur'an 2:195]

Allah the Most High says:

وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ [الأعراف: 31]

“But waste not by extravagance, certainly He (Allah) likes not the extravagant.” [Al-Qur'an 7: 31]

b. Legal basis from the Hadith

قال رسول الله صلى الله عليه وسلم: لا ضررَ ولا ضرارَ [أحمد و ابن ماجه]

“There should be no harm to oneself nor harm to others.”

[Ahmad and Ibnu Majah]

c. *Qaidah Fiqhiyyah* (generally-accepted juristic rule)

مَا أَدَّى إِلَى الْحَرَامِ فَهُوَ حَرَامٌ

Whatever that brings to what is forbidden is also considered forbidden. (Doctor Yusuf Qardhawi, *Al-Halal wal Haram fil Islam*)

2. Cyanide fishing is forbidden because it is injurious to human health and life whether directly or indirectly as well as destructive to marine and aquatic resources.

a. Legal basis from the Holy Qur'an

Allah the Most High says:

وَلَا تَقْتُلُوا أَنْفُسَكُمْ {النساء: 29}

“And do not kill yourselves (nor kill one another).” [Al

Qur'an 4:29]

b. Legal basis from the Hadith

عن أبي هريرة رضي الله عنه عن النبي صلى الله عليه وسلم قال:.... و من تخسر سماً فقتل

تقسه سماً في يده يتخاضة في نار جهنم خالداً مخلداً فيها أبداً... [صحيح البخاري]

Narrated Abu Hurairah (May Allah be pleased with him): The Prophet (Peace be upon him) said: “And whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the Hell-fire wherein he will abide eternally forever.” [Sahih Al-Bukhari].

c. *Qaidah Fiqhiyyah* (generally-accepted juristic rule)

التَّحْرِيمُ يَتَّبِعُ الْخَبْثَ وَ الضَّرَرَ

The prohibition follows the evil and the harm. [Dr. Yusuf Qardhawi, *Al-Halal wal Haram fil Islam*]

3. Catching of immature fishes by undestructive means is permissible if such fishes are utilized for the benefits of mankind.

a. Legal bases from the Holy Qur'an

Allah the Most High says:

أَحَلَّ لَكُمْ صَيْدَ الْبَحْرِ وَطَعَامَهُ مَتَاعًا لَكُمْ وَلِلسَّيَّارَةِ. [المائدة:96]

“Lawful to you is (the pursuit of) water-game and its use for food – for the benefit of yourselves and those who travel.”

[Al-Qur'an 5:96]

However, if catching of immature fishes involves wastage (*Israf*) such as throwing away or abandoning dead tiny fishes, it is highly undesirable (*Makruh Tahriman*).

a. Legal basis from the Holy Qur'an

Allah the Most High says:

وَلَا تُبْذَرْ تَبَذِيرًا (26) إِنَّ الْمُبْتَدِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ وَكَانَ

الشَّيْطَانُ لِرَبِّهِ كَفُورًا (27) [الإسراء]

“But spend not wastefully (your wealth) in the manner of a spendthrift. Verily spendthrifts are brothers of the devils, and the Devil is ever ungrateful to his Lord.” [Al-Qur'an 17:26-27]

b. Legal basis from the Hadith

**عن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم : ... وتكره لكم: قيل و
قال وكثرة السؤال وإفصاحه المال [رواه مسلم]**

Narrated Abu Hurairah (may Allah be pleased with him) that the Holy Prophet (Peace be upon him) said: ... and (Allah) dislikes for you: vain talks, frequency of unworthy questions and wastage of property.” [Muslim]

4. Protection and conservation of fish habitats is collective obligation (*Fardhu Kifayah*) upon the whole residents of the community.

a. Legal bases from the Holy Qur'an

Allah the Most High says:

وَلَحْسِنَ كَمَا لَحَسَنَ إِلَهُ إِلَيْكَ وَلَا تَبْغِ الْفَسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ. [القصص: 77]

“And do good as Allah has been good to you, and seek not mischief (*Fasad*) in the land (and sea). Verily Allah likes not the mischief-makers.” [Al-Qur'an 28:77]

Allah the Most High says:

كُلُوا وَشَرِبُوا مِنْ رِزْقِ اللَّهِ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ. [البقرة: 60]

“Eat and drink of that which Allah has provided and do not act corruptly, making mischief on the earth.” [Al-Qur'an 2:60]

b. Legal bases from the Hadith

عن ابن عمر رضي الله عنه قال: سمعت رسول الله صلى الله عليه وسلم يقول: كلُّكم راع وكلُّكم مسئولٌ عن رعيته... (متفق عليه)

Narrated Ibnu Umar (May Allah be pleased with him): I heard Allah's Messenger (Peace be upon him) saying, “All of you are guardians and responsible for your wards and the things under your care...” [Al-Bukhari and Muslim]

قال النبي صلى الله عليه وسلم: ارحموا من في الأرض يرحمكم من في السماء (رواه الطبراني والحاكم)

The Prophet said: “Be merciful to those in the earth (land and sea), so the One above the heaven will be merciful to you.”

(At-Tabarani and Al-Hakim with a sahih chain)

Done in the Municipality of Bongao, Province of Tawi-Tawi, this 16th day of May, 2006 corresponding to the 17th day of Rabi'ul Akhir, 1427 A.H.



Aleem ABDULWAHIDA. INJU
Provincial Mufti

IN UNANIMOUS CONFORMITY THERETO we, the Formulators of the aforesaid Provincial Fatwa, have hereunto affixed our names and signatures.

Aleem Abdulwahid A. Inju
Provincial Mufti

Aleem Ahmad Alih A. Bud
Chairman

Aleem Abdulgani A. Alawi
Member

Aleem Rajad B. Basri
Member

Ustadz Abdul-Aziz H. Isnang
Member

Ustadz Haidit A. Astarani
Member

Ustadz Nafeesur-Rahman E. Suhod
Member

Imam Bantala A. Abubakar
Member

Ustadz Abdul Fadil Tiam Ang
Member

Ustadz Abdulpatta I. Nuruddin
Member

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المجلس الأعلى للوعظ والإرشاد

SUPREME COUNCIL FOR ISLAMIC PREACHING AND GUIDANCE

Tawi-Tawi Branch, Bongao, Tawi-Tawi

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