

The Application of the Principles of *Lā Ḍarar* and *Itlāf* in Liability and Compensation for Environmental Damage

Mohsen Zia Tohid^{*}

DOI: 10.22096/rc.2026.2088483.1302

Received Date: 11/05/2026 - Accepted Date: 25/05/2026

Abstract:

Environmental protection, based on the principles and rules of Islamic jurisprudence, possesses a dual nature encompassing both individual and governmental obligations. Given the unprecedented expansion of environmental issues in the contemporary era and the limited discussion of such matters at the time Islamic rulings were originally legislated, a fundamental question arises as to the extent to which jurisprudential principles—particularly the rules of *no harm (lā ḍarar)* and destruction (*itlāf*)—are capable of explaining liability arising from environmental degradation and its legal enforcement mechanisms.

The present study aims to address this question and to clarify the jurisprudential status of environmental protection through a descriptive-analytical method. In this regard, the jurisprudential nature of environmental resources and the possibility of classifying them within the domain of *anfāl* are examined. Furthermore, different forms of environmental damage are analyzed, and subsequently, relying on the aforementioned jurisprudential principles, the foundations of the liability of the damaging party and the relevant enforcement mechanisms are investigated.

The findings of the study demonstrate that these jurisprudential rules possess considerable capacity to provide a jurisprudential justification for civil liability arising from environmental destruction and may serve as an effective foundation within contemporary legal systems.

Keywords: Environment; Anfāl, Rule of No Harm (*Lā Ḍarar*); Destruction (*Itlāf*); Enforcement Guarantee.

* Master's Graduate, Department of Theology, Mofid University, Qom, Iran.
Email: mtohidi1375@gmail.com



Bibliography

The Holy Quran.

Nahj al-Balāghah.

‘Āmilī, Zayn al-Dīn ibn ‘Alī. *al-Rawḍah al-bahiyyah fī sharḥ al-Lum‘ah al-Dimashqiyyah*. Vol. 7. Qum: Maktabat al-Dāwarī, 1989 CE. [In Arabic]

Anṣārī, Mahdī, and Nāṣir Kātūziyān. “La responsabilité pour dommage à l’environnement.” *Journal of Law, Faculty of Law and Political Science, University of Tehran*, vol. 38, no. 2 (2008 CE): 295. [In Persian]

Anṣārī, Murtaḍā. *Farā’id al-uṣūl*. Vol. 2. Qum: Majma‘ al-Fikr al-Islāmī, 2019 CE. [In Arabic]

Constitution of the Islamic Republic of Iran (1979). [In Persian]

Ḥillī, Ḥasan ibn Yūsuf. *Tadhkirat al-fuqahā’*. Vol. 1. Qum: Mu’assasat Āl al-Bayt li-Iḥyā’ al-Turāth, 1993 CE. [In Arabic]

Ḥusaynī Dashtī, Sayyid Muṣṭafā. *Ma‘ārif va ma‘ārif*. Vol. 9. Tehran: Mu’assasah-yi Farhangī-yi Ārāyah, 1990 CE. [In Persian]

Ḥusaynī Marāghī, ‘Abd al-Fattāḥ. *al-Anāwīn al-fiqhiyyah*. Vol. 1. Qum: Jāmi‘ah-yi Mudarrisīn, 1996 CE. [In Arabic]

Ibn Bābawayh, Muḥammad ibn ‘Alī. *Man lā yaḥḍuruḥu al-faqīh*. Vol. 3. Qum: Dāftar-i Intishārāt-i Islāmī, 1992 CE. [In Arabic]

Ibn Manzūr, Jamāl al-Dīn. *Lisān al-‘Arab*. Vol. 14. Beirut: Dār Ṣādir, 1993 CE. [In Arabic]

Islamic Penal Code of the Islamic Republic of Iran (2013). [In Persian]

Khurāsānī, Muḥammad Kāẓim. *Kifāyat al-uṣūl*. Vol. 1. Qum: Majma‘ al-Fikr al-Islāmī, 2021 CE. [In Arabic]

Kiss, Alexandre. *Droit international de l’environnement*. Trans. Muḥammad Ḥasan Ḥabībī. Vol. 1. Tehran: University of Tihiran, 2018 CE. [In Persian]

Kulaynī, Muḥammad ibn Ya‘qūb. *al-Kāfī*. Vol. 5. Tehran: Ṭab‘-i Islāmiyyah, 1986 CE. [In Arabic]

Majlisī, Muḥammad Bāqir. *Biḥār al-anwār*. Vol. 75. Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1983 CE. [In Arabic]

Mashhadī, ‘Alī, and ‘Azīz Allāh Fahīmī. “Shī‘ah jurisprudence and evolution in the fundamentals of Environmental civil liability.” *Private Law Studies Quarterly, University of Tehran*, no. 1 (2011 CE): 322– 323. [In Persian]

- Mesgarān Karīmī, Bāqir. “Chigūnagī-yi masraf-i samm va āthār-i sū’-i ān dar muḥīt-i zīst.” *Journal of Environmental Sciences Studies*, no. 3 (1994 CE): 70. [In Persian]
- Mishkīnī, ‘Alī. *Muṣṭalahāt al-fiqh*. Qum: Dār al-Ḥadīth, 2013 CE. [In Arabic]
- Muḥaqqiq Dāmād, Sayyid Muṣṭafā. *Ilāhiyyāt-i muḥīt-i zīst*. Tehran: History of Iranian Institute of Philosophy, 2015 CE. [In Persian]
- Muḥaqqiq Dāmād, Sayyid Muṣṭafā. *Qawā’id-i fiqh*. Vol. 1. Tehran: The Center for Iranian & Islamic Studies, 1986 CE. [In Persian]
- Mu’īn, Muḥammad. *Farhang-i Fārsī*. Vol. 2. Tehran: Bihzād, 2011 CE. [In Persian]
- Muntaẓirī, Ḥusayn ‘Alī. *Dirāsāt fī wilāyat al-faqīh*. Vol. 4. Qum: al-Markaz al-‘Ālamī li-al-Dirāsāt al-Islāmiyyah, 1988 CE. [In Arabic]
- Muntaẓirī, Ḥusayn ‘Alī. *Ganjīnah-yi istiftā’āt-i qaḍā’ī*. Qum: Mu’assasah-yi Qaḍā, 1993 CE. [In Arabic]
- Muntaẓirī, Ḥusayn ‘Alī. *Nizām al-ḥukm fī al-Islām*. Qum: Sarāyī, 2006 CE. [In Arabic]
- Mūsavī Khomeinī, Rūḥ Allāh. *Tahrīr al-wasīlah*. Vol. 1. Tehran: Mu’assasat Tanzīm va Nashr Āthār al-Imām al-Khomeinī, 2013 CE. [In Arabic]
- Najafī, Muḥammad Ḥasan. *Jawāhir al-kalām fī sharḥ Sharā’i’ al-Islām*. Vols. 18, 37. Beirut: Dār Ihya’ al-Turāth al-‘Arabī, 1983 CE. [In Arabic]
- Nūrī, Ḥusayn ibn Muḥammad Taqī. *Mustadrak al-wasā’il*. Vol. 13. Beirut: Mu’assasat Āl al-Bayt li-Ihya’ al-Turāth, 1987 CE. [In Arabic]
- Ṣadr, Muḥammad Bāqir. *Mawsū’at al-Shahīd Muḥammad Bāqir al-Ṣadr*. Vol. 4. Qum: Dār al-Ṣadr, 2013 CE. [In Arabic]
- Ṣāfi Gulpāygānī, Luṭf Allāh. *Istiftā’āt-i muḥīt-i zīst*. Tehran: Munīr, 2020 CE. [In Persian]
- Ṭūsī, Muḥammad ibn Ḥasan. *al-Mabsūṭ fī fiqh al-imāmiyyah*. Tehran: Maktabat al-Murtaḍawiyyah, 1968 CE. [In Arabic]