

# The Legal Status of Animals in Islamic Law. Selected Diachronic Perspectives from *fiqh* to Some Contemporary Statutory Laws

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## Abstract

*Human exploitation of the Earth and its living creatures demands a deeper reflection that includes religious perspectives. Many now turn to religious traditions to reconsider the human-environment relationship, particularly regarding animals and plants. This work offers a concise overview of key Islamic doctrinal views on animal rights, followed by a summary of major fiqh (Islamic jurisprudence) rules aimed at animal protection. It also examines current laws in various Islamic countries. While fiqh establishes norms to limit human dominance over animals, it stops short of granting them independent legal status. Overall, modern Islamic legislation tends to show limited attention to animal rights.*

## Keywords

Animals, protection, welfare, Islamic law, statutory law

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# The Legal Status of Animals in Islamic Law. A Diachronic Analysis from *fiqh* to Some Contemporary Statutory Laws

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## I. Introduction

The increasingly intensive exploitation by humans of the Earth and of the living beings that inhabit it calls for a reflection that cannot overlook the religious dimension. Indeed, it is within religious traditions that many now seek arguments to redefine – or rather, to reformulate – the terms of the relationship between human beings and the environment, including the animal and plant life it sustains. The subject is vast, and the body of literature examining the Islamic approach to animal rights is substantial under different approaches: theological, philosophical, and legal. When discussing the Islamic legal perspective on a given issue, at least two factors must be taken into account. The first concerns the perspective articulated by *fiqh*, understood both as the body of legal reflection historically developed by jurists in the premodern period and as the outcome of more recent interpretations – often referred to as *neo-iğtihād* – addressing contemporary issues that call for responses consistent with the values and principles of Islam (bioethics provides a paradigmatic example). The second factor relates to the legislative activity of states, which may or may not be influenced by *šarī'a* (and *fiqh*), either directly, where such influence is constitutionally mandated, or indirectly, as a result of broader socio-political reflection by Muslim citizens and political actors on a given issue. This article begins with a brief overview of what Islamic law (*fiqh*) has historically said about animal rights. The aim here is not to offer a critical examination of the sources or to propose new interpretations, but rather to provide some useful indications for understanding the conceptual framework within which contemporary theological, philosophical, and legal reflection on the Islamic conception of animal rights is situated. For further in-depth analysis, the reader is referred to the specialized bibliography on the subject, cited here in European languages and with particular attention to works that are more readily accessible to a non-specialist audience. The article then proceeds to an analysis of the (limited number of) laws on animal protection currently in force. It may be argued that, at present, despite a growing sensitivity toward animal rights also within the Islamic world, legislators have shown relatively little degree of interest for the issue. The analysis will focus on the laws of Turkey, Lebanon, and the United Arab Emirates, all three of which are member states of the Organisation of Islamic Cooperation<sup>1</sup> and may therefore be classified as “Islamic countries”, although they differ significantly from one another.

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<sup>1</sup> “Any State, member of the United Nations, having Muslim majority and abiding by the Charter, which submits an application for membership may join the Organisation”, art 3 para 2 Charter of The Organization of Islamic Cooperation (English version available at <<https://new.oic-oci.org/SitePages/CommonPage.aspx?Item=16>>).

Turkey enshrines the principle of secularism in its Constitution;<sup>2</sup> Lebanon is a multi-confessional state with no official religion, in which religious laws govern the personal status of citizens while the remainder of the legal system may be considered largely secular; and the United Arab Emirates recognize *šarī'a* as one of the sources of legislation in their Constitution.<sup>3</sup> As will be shown, the laws of these three countries make no explicit reference to Islamic principles or values in the field of animal protection legislation. Nonetheless, such laws deserve attention not only within a broader effort to track global developments in the field of animal protection, but also insofar as they illustrate the considerable degree of legal dynamism observable across a range of Muslim-majority contexts. This dynamism is frequently obscured by accounts that portray the “Islamic world” as a static and internally uniform entity, thereby overlooking its doctrinal, institutional, and socio-political diversity. Furthermore, while these laws cannot be described as expressions *stricto sensu* of an Islamic legal model – that is, as norms explicitly derived from *šarī'a* or articulated through the categories of *fiqh* – they nonetheless provide a useful lens through which to examine how particular normative questions are addressed within legal systems shaped by the interaction of multiple legal traditions. From this perspective, they are of interest not as instances of Islamic law *per se*, but as products of legally plural environments in which different normative frameworks coexist and inform legislative outcomes.

A final remark: due to the unavailability of access to judicial databases, this article is necessarily grounded in a predominantly theoretical framework, as I have been unable to ascertain the way jurisprudence is evolving both in the application of the law and in independently delineating the scope of rights attributable to animals.

## II. Animals in *fiqh*

In a highly schematic summary of scholarly reflections on the subject, one may observe the emergence of two principal interpretative orientations.<sup>4</sup> The first<sup>5</sup> constructs the notion of animal rights within the Islamic framework in much the same way as environmental protection is conceptualized: through the foundational notion of *ḥilāfa* (human stewardship or viceregency<sup>6</sup>). According to this concept, human beings are entitled to benefit from creation, but solely in the form of usufruct or as trustees acting under divine mandate. The complementary notion of *amāna*<sup>7</sup> (trust) imposes a corresponding moral responsibility. In this view, humanity is held accountable for its conduct,<sup>8</sup> and the believer is religiously

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<sup>2</sup> Turkish Constitution of 1982, art 2: “The Republic of Turkey is a democratic, secular and social (*demokratik, laik ve sosyal*) state governed by rule of law”. An unofficial English translation of the Constitution is available at: <[https://www.anayasa.gov.tr/media/7258/anayasa\\_eng.pdf](https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf)>.

<sup>3</sup> UAE Constitution of 1971, art 7: “The Islamic *šarī'a* is a main source of legislation (*al-šarī'a al-islāmiyya masdar ra'isiyy li-l-tašrī* )”. An unofficial English translation of the Constitution is available at: <<https://uaelegislation.gov.ae/en/constitution>>.

<sup>4</sup> Ida Zilio-Grandi, ‘I diritti degli animali nell’islam tra voci contemporanee e fondamenti tradizionali’ (2019) 14 *Quaderni di Studi Arabi* 399.

<sup>5</sup> See, among many: Georges-Henri Bousquet, ‘Des animaux et de leur traitement selon le Judaïsme, le Christianisme et l’Islam’ (1958) 9 *Studia islamica* 31; Al-Hafiz Basheer Masri, *Animal Welfare in Islam* (The Islamic Foundation 2007); Richard C. Foltz, *Animals in Islamic Tradition and Muslim Cultures* (Oneworld 2006).

<sup>6</sup> “He is the One Who has placed you as successors (*ḥalā'if*) on earth and elevated some of you in rank over others, so He may test you with what He has given you” (Q. 6: 165). All the English quotes of the Qur’ān are taken from <[www.quran.com](http://www.quran.com)>.

<sup>7</sup> “Indeed, We offered the trust (*al-amāna*) to the heavens and the earth and the mountains, but they all declined to bear it, being fearful of it. But humanity (*insān*) assumed it, for they are truly wrongful to themselves and ignorant” (Q. 33: 72).

<sup>8</sup> “Do not spread corruption in the land after it has been set in order” (Q. 7: 56); “Is there any reward for goodness except goodness?” (Q. 55: 60).

obliged to avoid abuse or excessive exploitation of natural resources. However, it remains clear to proponents of this theory that the human being occupies a position of ontological and functional superiority. The natural world is ultimately placed at the service of humankind,<sup>9</sup> which is regarded as the creature elected by God to act as His vicegerent on Earth. This approach is clearly anthropocentric, and it finds theological justification in Qur'anic verses permitting the consumption of animal flesh, as well as in passages where human metamorphosis into animals (notably apes and swine<sup>10</sup>) is portrayed as a form of divine punishment, symbolically demoting the human being from a privileged status to one of subordination.

A different approach is proposed by Sarra Tlili.<sup>11</sup> In her beautiful book *Animals in the Qur'an*, Tlili moves from the *tafsīr* (the Qur'anic interpretation) of al-Ṭabarī (d. 923), al-Rāzī (d. 1210), al-Qurṭubī (d. 1273) and ibn Kaṭīr (d. 1373) to suggest a new non anthropocentric reading of the sources. She operates a lexical and contextual<sup>12</sup> analyses of the major notions traditionally used to emphasize the exceptional-ity of humankind and their dominion over other beings, such as *tashīr* (subjugation, exploitation), *taḍlīl* (degradation; render contemptible, humble), *istiḥlāf* (vice-regency) and *maṣḥ* (metamorphosis) to conclude that *taḍlīl*

“does not mean that humans are provided with the means to control certain nonhuman animals nor that they are given free rein to do anything they may want with these species, but rather that as a grace from God, certain animals are rendered or made amenable and service-able to humans in a number of ways. No actual authority is given to human beings in this respect (...) in the Qur'an humans seem to be placed among other animals. They are helpless as any other species. The only reason they can use *an'ām*<sup>13</sup> (in a prescribed number of ways)

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<sup>9</sup> A strong argument can be found in (Q. 22: 65): “Do you not see that Allah has subjected (*saḥḥara*) to you [for your service] whatever is in the earth”. An interesting practical application of this attitude can be seen in Majelis Ulama Indonesia authored *fatwa* 04 of 2014 on conservation of rare animals to maintain the balance of the ecosystem (*pelestarian satwa langka untuk menjaga keseimbangan ekosistem*) where we read that all living creatures, including animals, were created by God for human benefit (*masalah 'amma*) and that human beings are obliged to maintain the balance of the ecosystem and its sustainability in order not to create damage (*mafsadah*).

<sup>10</sup> “You are already aware of those of you who broke the Sabbath. We said to them, ‘Be disgraced apes!’ – So We made their fate an example to present and future generations, and a lesson to the God-fearing” (Q. 2: 65-66); “Ask them O Prophet about the people of the town, which was by the sea, who broke the Sabbath. During the Sabbath, abundant fish would come to them clearly visible, but on other days the fish were never seen. In this way We tested them for their rebelliousness. When some of the righteous among them questioned their fellow Sabbath-keepers, ‘Why do you bother to warn those Sabbath-breakers who will either be destroyed or severely punished by Allah?’ They replied, ‘Just to be free from your Lord’s blame, and so perhaps they may abstain.’ When they ignored the warning they were given, We rescued those who used to warn against evil and overtook the wrongdoers with a dreadful punishment for their rebelliousness. But when they stubbornly persisted in violation, We said to them, ‘Be disgraced apes!’” (Q. 7: 163-166). “Say, O Prophet, ‘O People of the Book! Do you resent us only because we believe in Allah and what has been revealed to us and what was revealed before – while most of you are rebellious?’ Say, O Prophet, ‘Shall I inform you of those who deserve a worse punishment from Allah than the rebellious?’ It is those who earned Allah’s condemnation and displeasure – some being reduced to apes and pigs and worshippers of false gods. These are far worse in rank and farther astray from the Right Way.” (Q. 5: 59-60).

<sup>11</sup> Sarra Tlili, *Animals in the Qur'an* (Cambridge University Press 2012); Sarra Tlili, ‘Animal ethics in Islam: A review article’ (2018) 9 *Religions* 269.

<sup>12</sup> The author presents her interpretation based on the reasoning that God addresses the Arabs of the 6th century in terms of what they could understand and relate to; accordingly, the animals mentioned in the Qur'an are those with which the Arab audience would have had direct experience, except for the elephant, which appears in connection with a specific historical narrative.

<sup>13</sup> The term *an'ām* (livestock) in the Qur'an refers to the quadrupeds: sheep, goats, cattle and camels.

is that God, who has dominion and authority over all creatures, chose to make these specific species amenable to humans<sup>[14]</sup>” (Tlili 2012, 91).

Tlili, by emphasizing the theocentric nature of the Qur'an, rejects the notion of a hierarchical subordination of animals, a view she does not accept even in cases where animals serve human purposes. In such instances, the conceptual framework she proposes sees the animal as a being that responds to the will of God, and it is God who permits humans to make use of animals. This interpretive approach is, in my view, particularly compelling as a basis for developing a legal perspective on the human–animal relationship that is grounded in respect on the part of the former for the life and dignity of the latter. Tlili, though quoting (Q. 6: 38) “All living beings (*dābba*) roaming the earth and winged birds soaring in the sky are communities (*umam*) like yourselves”,<sup>15</sup> does not develop further the concept of human being as animal, firstly developed by Aristotele and discussed in Islamic perspective by Avicenna;<sup>16</sup> neither will I, but it is important to keep in mind that since medieval times Muslim scholars have debated on the nature of human beings compared to other existing creatures.

Islamic jurisprudence (*fiqh*<sup>17</sup>) does not provide any basis for attributing legal subjectivity to animals. Rather, it contains a set of rules addressed to human beings, which govern their conduct in relation to animals.<sup>18</sup> Although divergence (*ihtilāf*) among legal schools – an inherent feature of Islamic doctrinal thought – also exists about the rules applicable to animals, it is nevertheless possible, for the purposes of this analysis, to identify certain common features. The first and probably most renowned principle is the *haqq al-šurb* (the right to drink) afforded to animals.<sup>19</sup> This right is explicitly affirmed in the

<sup>14</sup> “And He created the cattle for you as a source of warmth, food, and many other benefits – They are also pleasing to you when you bring them home and when you take them out to graze – and they carry your loads to distant lands which you could not otherwise reach without great hardship. Surely your Lord is Ever Gracious, Most Merciful – He also created horses, mules, and donkeys for your transportation and adornment. And He creates what you do not know” (Q. 16: 5-8); “Some cattle are fit for labor, others are too small. Eat of what Allah has provided for you and do not follow Satan’s footsteps. Certainly, he is your sworn enemy” (Q. 6: 142).

<sup>15</sup> Meaning that Allah has created living beings (like animals, birds, and fish) just like He created human beings. They all belong to communities (the word *umam* is plural for *umma*, used to politically define the Islamic community) and have their own systems of living.

<sup>16</sup> The concept is clear in Avicenna studies although he has never used the explicit phrase: man is a rational animal (*al-insān, al-ḥayawān al-nāṭiq*). Avicenna, *The Metaphysics of The Healing. Al-šifā’: al-ilahiyāt. A Parallel English-Arabic Text* translated, introduced and annotated by Michael E. Marmura (Brigham Young University Press 2005).

<sup>17</sup> What is commonly referred to as Islamic law is the result of the interaction between two distinct yet interdependent sets of norms. On one hand, there is the *šarī’a*, the divine Islamic law, a body of ethical, moral, and legal precepts revealed by God to the believers. On the other hand, there is *fiqh*, the jurisprudential science applied to the *šarī’a islamiyya*, which is the product of interpretation by legal scholars (*fuqahā*). *Fiqh* represents the human component of the law and is identified by the names of the founders or eponyms of the various legal schools (*madhhab*): the *fiqh* of Abū Ḥanīfa, the *fiqh* of Muḥammad al-Shāfi‘ī, and so on. It’s impossible to give notice of the enormous number of publications on *šarī’a*: for all, I quote here Wael B. Hallaq, *Sharia: Theory, Practice, Transformations* (Cambridge University Press 2009).

<sup>18</sup> Charles Pellat, s.v. ‘ḥayawān’, in *Encyclopédie de l’Islam* (1971) t. III, 314; Kristen A. Stilt, *Animal Welfare in Islamic Law* (Animal People 2008); Sarra Tlili, ‘Animal Would Follow Shāfiism: Legitimate and Illegitimate Violence to Animals in Medieval Islamic Thought’ in Robert Gleave and István T. Kristó-Nagy (eds), *Violence in Islamic Thought from the Qur’ān to the Mongols* (Edinburgh University Press 2015) 225; Inam Ullah Wattu and Yasir Farooq, ‘A proportional study of contemporary Bio safety rules and Islamic traditions regarding innate privileges of animals’ (2020) 4(1) *UOCHJRS* 135; Soraya Ghotbi, ‘Ethical Rights of Animals in Islam’ (2020) 9(18) *Religious Inquiries* 255; Javaid Aziz Awan and Syed Fazal ur Rahim, ‘Animal rights and welfare in Islam’ 2018;6(5) *MOJ Food Process Technol.* 440.

<sup>19</sup> James L. Wescoat, ‘The “Right of Thirst” for Animals in Islamic Law: A Comparative Approach’ (1995) 13(6) *Society and Space* 637.

Qur'an, wherein it is stated: "the messenger of Allah warned them, 'Do not disturb Allah's camel and her turn to drink!'" (Q. 91:13).<sup>20</sup>

To develop their rules, Islamic jurists distinguish between domesticated and wild animals. Domesticated animals are recognized as possessing certain legal protections. Their owners are under a legal and moral obligation to ensure their proper treatment, such as spending time with the animals, refraining from overburdening them, providing adequate shelter and rest, allowing them to engage in natural mating behaviours, and, when necessary, ensuring that the animals are slaughtered in a manner consistent with the principles of Islamic law, avoiding unnecessary cruelty.<sup>21</sup>

Where animals are acknowledged to possess rights, the question arises as to who bears the responsibility for ensuring their protection. This duty falls within the scope of the institution of *hisba*, a legal institution derived from the Qur'anic injunction to "enjoy good and forbid evil" (*al-amr bi-l-ma'ruf wa-l-nahy 'an al-munkar*).<sup>22</sup> The *muhtasib*, an official charged with oversight of public morality and market practices, was empowered to enforce animal welfare regulations. He was responsible for ensuring that animal owners provided sufficient nourishment and rest, did not impose excessive burdens, and refrained from acts of torment. The *muhtasib* also exercised oversight over tradesmen such as butchers and blacksmiths, ensuring that their treatment of animals did not cause undue suffering. Practices such as the castration of animals and organized animal fights (e.g., between rams or roosters) were likewise subject to regulation. It is, however, important to note that under Islamic law, injury or harm caused to an animal is generally treated as a wrong against its owner, rather than against the animal *per se*. Legal redress is thus oriented toward compensating the owner for the economic loss incurred, rather than recognizing the animal as an independent bearer of legal rights.

The legal status of wild animals (*ghayr maqdūr 'alayhā*, i.e., beings over which human dominion is not exercised) is somewhat distinct. Generally, the killing of such animals is disfavoured. Moreover, hunting while in a state of *ihrām* (ritual consecration during pilgrimage) is expressly prohibited. Notwithstanding, the killing of wild animals is permissible under certain conditions, namely, to satisfy hunger (subject to the conditions of *halāl* dietary law) or in self-defence when confronting danger. Furthermore, the killing of specific animals (so-called *fawāsiq*, lit. corrupted) such as dogs, mice, mottled crows, kites and scorpions incurs no blame. Although hunting for sport is discouraged within Islamic jurisprudence, it is not categorically forbidden.<sup>23</sup>

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<sup>20</sup> Prophetic sayings (*ḥadīth*) also address animal welfare; here are some examples. "A woman entered the (Hell) Fire because of a cat which she had tied, neither giving it food nor setting it free to eat from the vermin of the earth" (Sahih al-Bukhari 3318); "While a man was going on his way, he felt himself severely thirsty. He found a well and he went down in it. He drank water and came out. Suddenly he saw a dog panting and eating soil due to thirst. The man said (to himself) 'This dog must have reached the same condition due to thirst as I had reached'. So he went down into the well, filled his sock with water, held it with his mouth and came up. He supplied water to the dog. Allah appreciated this and forgave him" (Sunan Abi Dawud 2550); "I heard Allah's Messenger saying, 'An ant bit a Prophet amongst the Prophets, and he ordered that the place of the ants be burnt. So, Allah inspired to him, "It is because one ant bit you that you burnt a nation amongst the nations that glorify Allah?"' (Sahih al-Bukhari 3019). All the English quotes come from <www.sunnah.com>. The Sunna is a compilation of acts and sayings (*ḥadīth*) of the Prophet, which were collected and systematized by jurists around the second century of Islam. Together with the Qur'an, it constitutes the primary source of *fiqh*. Jurists may also rely on consensus (*ijmā'*) and analogical reasoning (*qiyās*) in order to arrive at the legal classification of human actions as obligatory, prohibited, recommended, reprehensible, or legally neutral (permitted).

<sup>21</sup> Bousquet (n 5).

<sup>22</sup> Cenap Çakmak, 'Hisbah' in *The Palgrave Encyclopedia of Islamic Finance and Economics* (Palgrave Macmillan 2024); Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge University Press 2000).

<sup>23</sup> Herbert Eisenstein, s.v. 'Animal life', in *Encyclopaedia of the Qur'an* (2001) t. I, 93.

A significant part of the legal regulations on animals regards what can be eaten by humans.<sup>24</sup> Islamic law contains an extensive body of rules concerning what is lawful (*ḥalāl*), unlawful (*ḥarām*) or discouraged (*makrūh*) to consume. Within this framework, particular importance is attached to the consumption of animal flesh, whether that of fish, birds, or terrestrial animals.<sup>25</sup> While the general prohibition on the consumption of pork is well known,<sup>26</sup> less widely appreciated are other dietary restrictions, mostly because there are significant differences among juridical schools on the legal status of animals like snakes, insects, birds and so on.<sup>27</sup> We can quote here, as mere examples, the prohibition against consuming animals that do not possess cloven hooves (e.g., horses), or animals that do not exhibit behaviour consistent with their natural characteristics (for instance, the ostrich, a bird that does not fly), or animals that eat disgusting food (like cockroaches) or are carnivores (like storks that eat snakes). Restrictions also apply to marine life: Muslims are prohibited from consuming *coquillage* (shelled molluscs) and crustaceans, as well as fish lacking scales, such as sharks. These species, being considered non-edible according to certain interpretative traditions, should not be subject to hunting or fishing, insofar as their consumption is religiously impermissible, even though at social level this is not always true.<sup>28</sup>

The act of killing an animal, by definition, transforms it into a carcass (*mayta*) and the consumption of carrion is categorically prohibited under Islamic law. The objective of the regulations surrounding the lawful slaughter of animals is therefore to establish a legal and ritual distinction – effectively a juridical *fiction* – whereby the animal, though deceased, is not classified as a carcass in the prohibited sense. This legal transformation is achieved through specific methods of slaughter, chief among them being *dabīḥah* (ritual slaughter).<sup>29</sup> *Dabīḥah* entails the severing of the trachea, the oesophagus, and the two jugular veins. This method is considered paradigmatic within Islamic jurisprudence, as it fulfils the legal and ritual criteria necessary to render the meat *ḥalāl* (permissible), thereby distinguishing it from prohibited necrophagy.<sup>30</sup>

It is futile to search in religious sources for explicit prohibitions against practices such as intensive animal farming or the use of animals in medical experimentation, as these are developments that have emerged predominantly in the last century and therefore fall outside the historical and normative context of the original revelations. Nonetheless, as we have seen it is possible to identify within these sources certain general ethical and legal principles which, while not amounting to a categorical prohibition of such practices, may serve to limit their most harmful and morally objectionable effects, namely, systemic exploitation and cruelty.

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<sup>24</sup> Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam. Al-Halal wal-Haram fil-Islam* (American Trust Publications 1994), esp. 39–79.

<sup>25</sup> “Forbidden to you are carrion, blood, and swine; what is slaughtered in the name of any other than Allah; what is killed by strangling, beating, a fall, or by being gored to death; what is partly eaten by a predator unless you slaughter it; and what is sacrificed on altars” (Q. 5: 3).

<sup>26</sup> In addition to already quoted Q. 5: 3, “He has only forbidden you are carrion, blood, and swine and what is slaughtered in the name of any other than Allah” (Q. 2: 173; Q. 16: 115); “Say, O Prophet, ‘I do not find in what has been revealed to me anything forbidden to eat except carrion, running blood, swine – which is impure – or a sinful offering in the name of any other than Allah’” (Q. 6: 145).

<sup>27</sup> Ersilia Francesca, *Introduzione alle regole alimentari islamiche* (Istituto per l’oriente 1995).

<sup>28</sup> As a first introduction see Pellat (n 18); al-Ghazālī, *On the manners relating to eating: book XI of the Revival of the religious sciences* (Islamic Texts Society 2000).

<sup>29</sup> The ritual slaughter happens on the Islamic celebration of *ʿīd al-aḍḥā* during the pilgrimage month, when only sheep, goats, bovines or camelids (physically intact and adult) can be sacrificed.

<sup>30</sup> Georges-Henri Bousquet, s.v. ‘*dabīḥah*’, in *Encyclopédie de l’Islam* (1965) t. II, 219; Ḥalīl ibn Iṣḥāq, *Muḥṭaṣar o Sommario del diritto malechita*, translated into Italian by Ignazio Guidi (Hoepli 1919), t. I, 315-328.

### III. Animals in the Penal Codes

For obvious reasons of space, it is not possible to examine in detail the criminal codes of all Islamic countries. However, it may generally be observed that such codes do not typically recognize animals as holders of rights in cases involving harm to their physical integrity. Rather, animals are often afforded indirect protection insofar as they are considered the property of human beings. In other instances, animals are protected alongside humans against activities that may, in various ways, endanger the health of both.

Consider, for example, the Penal Code of Jordan,<sup>31</sup> Article 386 of which addresses fraud in products intended for human or animal consumption. This provision stipulates a penalty of imprisonment ranging from three months to two years for those who cause harm to the health of either humans or animals. Notably, the same penalty is applied regardless of whether the victim is human or animal. It may thus be argued – albeit by stretching the letter of the law – that the provision implicitly recognizes an animal's right to health. The same code imposes a penalty of up to two years' imprisonment on any person who, without necessity, intentionally kills a working animal (such as cargo-moving animals, mounted animals, or livestock) or other types of animals belonging to others (Article 452). The law draws a distinction between such "working" animals and pets or domestic animals, the unnecessary and intentional killing of which is punishable by imprisonment of up to three months. Furthermore, the law penalizes the unnecessary beating or injuring of these animals. A significantly lighter penalty is prescribed under Article 472: imprisonment for no more than one week and a fine not exceeding five dinars is imposed on individuals who abandon their domestic pets without providing food, severely neglect them, beat them fiercely, torture them, or overload them.

In the Moroccan Penal Code,<sup>32</sup> Article 601 provides for a sentence of one to five years' imprisonment for anyone who poisons draught animals, mounts or loads, horned animals, sheep, goats, or other livestock, guard dogs, or fish in ponds or reservoirs. However, anyone who, without necessity, kills or mutilates any of the aforementioned animals, or any domestic animal, within premises, buildings, enclosures, outbuildings, or on land owned, leased, or cultivated by the owner of the animal, is subject only to a penalty of two to six months' imprisonment (Article 602). This stark discrepancy in penalties raises significant questions regarding the underlying rationale. The harsher penalties for poisoning may reflect the perceived premeditation and malicious intent involved, or the potential broader consequences (e.g., environmental contamination, loss of multiple animals). Conversely, the lighter sentence for unnecessary killing or mutilation may derive from traditional property-based views of animals or a prioritization of property rights over animal welfare in such contexts.

The Turkish Penal Code of 2004<sup>33</sup> includes only a few provisions concerning animals. Notably, the first relevant article is not aimed at protecting animals *per se* but rather concerns human experimentation: Article 90 provides that any person who conducts a scientific experiment on a human being shall be sentenced to imprisonment from one to three years, unless the experiment was preceded by prior testing in a non-human experimental environment or conducted on a "sufficient number of animals" (*yeterli sayıda hayvan*). Thus, the provision references animals primarily as a prerequisite for human

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<sup>31</sup> Penal Code (*qānūn al-'uqūbāt*) no 16 of 1960 published on Official Gazette 1487 of 1/1/1960, and later amendments.

<sup>32</sup> *Dahir* no 1-59-413 of 28 Jumada II 1382 (26 November 1962) approving the text of the Criminal Code and later amendments.

<sup>33</sup> *Türk Ceza Kanunu*, Law no 5237 of 26/9/2004, published in the Official Gazette no 25611 of 12/10/2004. The Turkish text is available at <<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5>>; an English version is available at <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)011-e)>.

subject research, rather than as subjects of protection in their own right. Animals also appear within the provisions concerning property, specifically in Article 151. The article stipulates that any person who kills an owned animal, renders it useless, or causes its value to diminish without a justified reason shall be punished with imprisonment ranging from four months to three years. It is evident from the wording of the law that the legal interest protected here is not the animal's health or physical integrity, but rather the owner's proprietary right to ensure that their property – namely, the animal – is not unlawfully harmed by others. Similarly, releasing an animal in a manner that may endanger the life or health of others constitutes a criminal offence under Article 177, which prescribes a penalty of up to six months' imprisonment or a judicial fine. Once again, the animal is treated only as an object, a potential instrument through which harm to others may occur. A different approach emerges, however, in the section of the Penal Code addressing crimes against the environment. In particular, Article 181, para 4, concerning deliberate environmental pollution, explicitly refers to actions involving waste or residues that may cause serious diseases in humans or animals, impair reproductive capacity, or alter the natural characteristics of animals or plants. Such conduct is punishable by no less than five years' imprisonment. In cases of environmental pollution caused by negligence, Article 182, para 2, stipulates that any person who negligently releases waste or residues into soil, water, or air that can cause hard-to-treat diseases in humans or animals, impairing reproductive capabilities, or altering natural characteristics of animals or plants, shall be punished with imprisonment ranging from one to five years. It should be noted, however, that the object of protection in these provisions is the environment itself; the safeguarding of human beings, animals, and plants arises indirectly, as a consequence of the broader prohibition against polluting the environment, whether intentionally or through negligence.

The Federal Penal Code of the United Arab Emirates of 2021<sup>34</sup> devotes only few brief provisions (Articles 466, 471, 472, and 473) to the protection of animals, all of which are found in the section of the Code concerning destruction of property and assault on animals. In particular, the law penalizes, with imprisonment not exceeding one year and a fine, any person who, without justification and intentionally, kills or causes serious harm to a riding, draught, or pack animal, or to livestock. Similarly, the intentional killing or poisoning of fish found in a water source or pond is also punishable. Further, the Code provides for the punishment of anyone who, without justification and with intent, kills pet or domesticated animals (*ḥayawān alīfaw musta'nas*), as well as anyone who abuses, tortures, mistreats, or neglects to care for animals placed under their custody. It also criminalizes causing injury, albeit accidentally, to animals or livestock belonging to another person. What is particularly noteworthy, in my view, is that despite the enactment of recent laws (notably that of 2007 specifically addressing animal welfare, see part IV), the UAE Penal Code in its current formulation of 2021 refrains from developing a comprehensive framework for criminal offenses against animals. It dedicates only a few, excessively concise provisions to the matter, thus suggesting a limited and predominantly utilitarian approach to animal protection within the penal context.

#### IV. A Survey of Some Statutory Laws

To the best of my knowledge, only a few Islamic states have, to date, enacted legislation specifically aimed at protecting animals from abuse or at recognising their entitlement to certain rights.

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<sup>34</sup> Federal Law by Decree no (31) of 2021 Promulgating the Crimes and Penalties Law; Arabic text available at <<https://uaelegislation.gov.ae/ar/legislations/1529>>; English version at <<https://uaelegislation.gov.ae/en/legislations/1529>>.

A resounding example is Egypt where, despite the current constitution affirming the state's commitment to animal welfare,<sup>35</sup> a unicum within the framework of Islamic countries, legislation and enforcement mechanisms remain limited or inconsistent.<sup>36</sup> By contrast, Turkey, the United Arab Emirates, and Lebanon have enacted specific legislation in this area.

The Turkish Animal Protection Law (*hayvanları koruma kanunu*) no 5199<sup>37</sup> was enacted in June 2004 and has since undergone several amendments, the most recent of which occurred in July 2024. The law was introduced following Turkey's accession in 2003 to the European Convention for the Protection of Pet Animals of 1987. It comprises 33 articles divided into five sections and is aimed at ensuring that animals are treated humanely and live in suitable conditions, while taking into consideration the interrelation between human, animal, and environmental health. The stated purpose, as articulated in Article 1, is to protect animals from pain, suffering, and cruelty to the greatest extent possible and to prevent all forms of victimization.

Although the law does not offer a general definition of animal, it provides specific classifications of domestic animal (*evcil hayvan*),<sup>38</sup> ownerless or stray animal (*sahipsiz hayvan*),<sup>39</sup> weakened animal (*güçten düşmüş hayvan*),<sup>40</sup> wild animal (*yabani hayvan*)<sup>41</sup> and house animal (*ev hayvanı*).<sup>42</sup>

Article 4 of the law outlines a set of guiding principles, the first of which is particularly notable for its resemblance to language commonly found in constitutional provisions for human beings: "All animals are born equal (*eşit doğar*) and have the right to live (*yaşama hakkına sahiptir*) within the framework of the provisions of this Law (*bu Kanun hükümleri çerçevesinde*)" (Article 4 (a)). This phrasing signals a normative commitment to equality among animals, yet it is immediately evident that the rights granted to animals are strictly those conferred by the law. In other words, in no sense does this article suggest parity with the rights afforded to humans under the Turkish legal system. This may explain the deliberate avoidance of a comprehensive legal definition of animal, possibly to prevent interpretative expansion that could lead to unintended legal consequences. Nonetheless, this provision is significant, especially when compared with the legislation in Lebanon and the United Arab Emirates, which lack comparable normative statements.

The law also states that necessary measures must be taken to protect, monitor, care for, and prevent mistreatment of animals (Article 4 (c)); the protection of endangered species and their natural habitats

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<sup>35</sup> 2014 Constitution, Article 45: "The state shall (...) preserve plant, animal and fish resources and protect those under the threat of extinction and danger and guarantee humane treatment of animals (*al-rifq bi-l-hayawān*), all according to the law". See Kristen Stilt, 'Constitutional Innovation and Animal Protection in Egypt' (2018) 43(4) *Law & Social Inquiry* 1364.

<sup>36</sup> The Penal Code contains only a limited number of provisions addressing cruelty to animals. Articles 355 and 357 establish penalties for the deliberate killing or poisoning of certain animals, including riding animals, beasts of burden, draught animals, other types of livestock, and domesticated animals. Reference may also be made to environmental and agricultural legislation; however, the relevant provisions are generally outdated and inadequate for ensuring effective protection.

<sup>37</sup> Not updated English translation of the law available at <<https://www.haytap.org/tr/animal-protection-bill-law-no-5199->>. The Turkish version of the law with amendments available at <<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5199&MevzuatTur=1&MevzuatTertip=5>>.

<sup>38</sup> Animals that have been bred and trained by humans.

<sup>39</sup> Domestic animals that do not have an individual owner.

<sup>40</sup> Riding and pack animals that have lost their physical working capacity due to factors such as age, injury, or illness.

<sup>41</sup> Vertebrate and invertebrate animals that have not been domesticated or cultivated and live freely in nature.

<sup>42</sup> All animals kept by natural or legal persons – particularly in homes, workplaces, or on private land – for companionship or special care, for whom the owner assumes responsibility.

is considered essential (Article 4 (e)); wild animals should not be removed from their natural habitats, and animals that live freely in nature should not be captured or deprived of their liberty (Article 4 (f)).

The law emphasizes the importance of encouraging both individuals and legal entities to adopt ownerless and weakened animals based solely on human compassion and moral responsibility (*insanî ve vicdanî sorumluluklarla*), without any expectation of financial benefit (*hiçbir maddî kazanç ve menfaat amacı gütmeksizin*), provided they meet the legal criteria set by the law (Article 4 (d)).

To prevent uncontrolled breeding, the law mandates that cats and dogs living in communal areas be sterilized. Additionally, pet owners are legally required to register their cats and dogs using digital identification methods (Article 4 (k)). In the broader effort to protect animals and ensure their well-being, due consideration must be given to the hygiene, health, and safety of both humans and other animals (Article 4 (g)). It is further emphasized that the care, feeding, housing, and transportation of animals must be carried out in a manner appropriate to the needs and characteristics of each species (Article 4 (h; i)).

The Turkish Law also addresses in Article 8 the issues of prohibited interventions (*Yasak müdahaleler*) and in Article 9 scientific experimentation on animals (*Hayvan deneyleri*). Under Article 8, any intervention that could result in the extinction of an animal species is strictly prohibited. The removal or destruction of organs or tissues from a live animal is not permitted, except for legitimate medical purposes. Furthermore, surgical procedures intended to alter the appearance of domestic animals – such as tail docking, ear cropping, vocal cord removal, or the extraction of nails and teeth – are prohibited. However, exceptions may be made where a licensed veterinarian deems such non-therapeutic interventions necessary for valid medical reasons, for the benefit of the individual animal, or to prevent reproduction. The law also prohibits the administration of hormones or drugs in a manner or dosage that would contravene the species-specific and ethological characteristics of the animal. Similarly, the use of doping substances or any artificial methods intended to alter the behavioural or physical traits of animals is forbidden, unless done for medical purposes.

Animals may not be used for diagnostic procedures, treatments, or experiments that lack scientific grounding. Medical and scientific experiments involving animals must adhere to standards that prioritize animal welfare. The use of animals in scientific research is permissible only as a last resort, when no alternative methods are available. Institutions and organizations conducting animal experimentation are permitted to do so only through ethics committees established or to be established within their respective institutions. These committees are responsible for ensuring that experiments are conducted in compliance with ethical standards for animal welfare (Article 9).

Article 12 governs the practice of animal slaughter (*Hayvanların kesimi*). It mandates that slaughtering must be carried out instantaneously, in a manner that avoids scaring or distressing the animal and minimizes pain. All procedures must comply with hygienic regulations and consider the specific requirements of religious rites. Slaughtering must be performed by qualified individuals; in particular, for religious sacrifices, the law requires that slaughter be conducted in accordance with religious principles, health regulations, and environmental sanitation standards and the process must be carried out in a way that causes the least pain to the animal.

Article 14 enumerates a series of prohibited acts against animals, the violation of which triggers the penal provisions established under Article 28/A and that seem to be framed within a protective regime designed to safeguard animals from at least some physical and psychological harm.<sup>43</sup>

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<sup>43</sup> The following behaviours are expressly prohibited: intentional mistreatment, including beating, depriving animals of food and water, exposing them to extreme heat or cold, neglecting their care, or causing them physical or psychological suffering; forcing animals to perform tasks clearly beyond their physical capabilities; performing

Furthermore, the law prohibits the breeding, ownership, adoption, sheltering, feeding, transfer, exhibition, gifting, sale, advertisement, or importation of animals identified by the Ministry as posing a threat (Article 14 (I)); a circular has identified the following dog breeds as dangerous: American Pitbull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa, American Staffordshire Terrier and American Bully.<sup>44</sup>

The enactment of Law no 5199 represents a significant step forward in the development of animal welfare legislation in Turkey. Nonetheless, the law is not without its shortcomings. One of the most contentious issues concerns the treatment and potential killing of stray animals, particularly stray dogs. A legislative shift occurred with the 2024 amendment to Article 13, where the term "*öldürülmesi*" (killing) was replaced with "*ötenazisi*" (euthanasia). This lexical change appears intended to convey a less violent or more humane image of the act. However, one may argue that the substitution may mask the continued practice of killing stray animals under the guise of medical necessity, without addressing the underlying ethical and procedural concerns. As amended, Article 13 now stipulates that among the dogs taken into shelters, those deemed dangerous to the life and health of humans or other animals, those exhibiting uncontrollable negative behaviour, those suffering from contagious or incurable diseases, or those belonging to breeds prohibited from ownership, shall be subject to the measure prescribed in Article 9, para 3 of the Veterinary Services, Plant Health, Food and Feed Law no 5996 of 11 June 2010 that permits euthanasia under specific veterinary and public health circumstances.<sup>45</sup> Furthermore, the law grants local authorities the power to take necessary administrative measures within the framework of the European Convention for the Protection of Pet Animals of 1987, when managing stray dog populations. Importantly, the amended article also includes a protective clause: animals may not be euthanized during birthing, pregnancy, or lactation periods, except in cases explicitly permitted by law, justified by medical or scientific necessity, or during emergencies that present an unavoidable threat to human or environmental health, and provided that such actions are not undertaken for food production purposes.

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non-therapeutic interventions on animals' bodies before it is confirmed that they are deceased; slaughtering or killing animals outside of legally recognized contexts, such as permitted hunting under Law no 4915 or the regulated slaughter of animals bred for meat on specialized production farms. This also includes wild animals intended for meat trade; artificial interventions likely to harm animals, their offspring in utero, or their eggs – except for procedures specifically allowed (e.g. for caviar production) – or administering foreign substances without medical or legal justification; using working animals when they are ill, in the last third of pregnancy, recently postpartum, or keeping them in inappropriate or inhumane conditions; sexual assault or rape of animals; forcing animals to eat, without medical necessity, or feeding them substances that cause pain, harm, or suffering, including alcoholic beverages, cigarettes, narcotics, or similar addictive substances; torturing animals or treating them in a cruel and merciless manner; abandoning domestic animals, including pets, or releasing stray animals previously collected by local authorities in locations other than official shelters; similarly, abandoning dogs previously housed in shelters to areas outside of shelter supervision.

<sup>44</sup> 'Circular on Dangerous Animals' (*Tehlike Arz Eden Hayvanlar İle İlgili Genelge*) no 2021-48; Turkish text available at <<https://www.tarimorman.gov.tr/DKMP/Belgeler/YABAN%20HAYATI/Tehlike+Arz+Eden+Hayvanlar+07.12.2021+2021-48.pdf>>.

<sup>45</sup> Article 9 of the law regards animal welfare. Its para 2 states: "The slaughter and culling of animals for disease control purposes shall be performed without causing unnecessary fear, pain and distress and by using appropriate tools". On the base of para 3 "Animals shall not be euthanized. However: a) in cases where animals have a painful and distressing or incurable disease, b) for the purpose of the prevention or eradication of an acute contagious animal disease or in cases of threat to human health, c) in cases where their behaviour poses threat to the lives and health of humans and animals and where their negative behaviour cannot be controlled a veterinarian may decide to perform euthanasia. Euthanasia shall be performed by a veterinarian or under the supervision of a veterinarian". An English version of this law is available at <[https://www.tarimorman.gov.tr/Belgeler/ENG/Legislation/law\\_veterinary\\_services.pdf](https://www.tarimorman.gov.tr/Belgeler/ENG/Legislation/law_veterinary_services.pdf)>.

In the 2000s, the United Arab Emirates (UAE) adopted a legal framework to regulate the treatment and protection of animals, primarily through Federal Law no 16 of 2007<sup>46</sup> concerning the Protection of Animals (*qānūn fī ša`n al-rifq bi-l-ḥayawān*), which consists of 24 articles. This law establishes a foundational duty of care toward animals, with Article 2 stipulating that owners and caretakers must take all necessary precautions to prevent harm, damage, pain, or suffering. They are also required to consider each animal's species, growth stage, adaptability, and needs, in accordance with scientific knowledge and professional expertise. Specific duties include refraining from releasing animals whose survival depends on human care, ensuring daily examination of animals under their supervision, and providing appropriate veterinary treatment when needed.

Article 1 offers a definition of animals (*ḥayawānāt*) as "all types of roaming and confined animals, including birds, reptiles, amphibians, fish, mammals, and wild animals". Additionally, it distinguishes between street animal (*al-ḥayawān al-dāll*), i.e. an animal strolling freely without restrictions or supervision by its possessor, even if it is capable of returning to its place of ownership; and confined animal (*al-ḥayawān al-ḥabīsa*), i.e. an owned animal dependent on others and kept in a specific location under the control and care of a possessor. Wild animals are not mentioned by law 16/2007, and their regulation – particularly in relation to ownership and public safety – is addressed by Federal Law no 22 of 2016 on the Regulation of the Possession of Dangerous Animals.

Law no 16 of 2007 introduce a series of provisions that establish animal rights or welfare guarantees. Animals that are temporarily or permanently confined must be provided with adequate space to fulfil their physiological and behavioural needs (Article 4). Facilities such as barns, cages, and stables must be harmless, free of pollution sources, easy to clean, and capable of being thoroughly disinfected (Article 5). Outdoor animals must be protected against weather fluctuations, predators, and other threats to their health (Article 5). Animals must be fed a complete diet appropriate to their species and age, in quantities sufficient to maintain their health, with continuous access to water (Article 6). Veterinary or specialist supervision is mandatory for any treatment that may cause pain, panic, or distress. All surgical interventions must be performed under general or local anaesthesia, and only in medically equipped environments (Article 8).

Certain activities involving animals are restricted and require prior authorization from the competent authority: scientific experiments involving animals (Article 12) as well as public displays of animals, contests, shows, and other events conducted for commercial, entertainment, advertising, or decorative purposes (Article 11). The Ministry is tasked with maintaining a national database of animal use in scientific research and unauthorized use of animals for experimental purposes is punishable by up to one year of imprisonment and/or a fine (Article 12 and 14bis).

The law also explicitly prohibits and criminalizes actions like sexual abuse of animals, mingling animal species during the exhibition or the selling, and exposing, selling, or trading animals that are sick, injured, or in poor physical condition, unless the animal has fully recovered (Article 10). These offenses are punishable by imprisonment of up to one year and/or a fine up to 200.000 AED (Article 14). Due to the relatively light nature of these penalties, there are serious doubts regarding the sanction's effectiveness as a deterrent.

The law, taken as a whole, appears rudimentary, as it fails to address several relevant issues in sufficient depth. For example, the identification and classification of abusive conduct toward animals is inadequate, particularly when compared to the more comprehensive Turkish legislation enacted in 2004.

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<sup>46</sup> An English version of the federal law no 16 of 2007 is available at <<https://uaelegislation.gov.ae/en/legislations/1137/download>>; for the Arabic version, see <<https://uaelegislation.gov.ae/ar/legislations/1137/download>>.

UAE Federal Law no 22 of 2016 on the Possession of Dangerous Animals (*qānūn bi-ṣaʿn tanzīm ḥiyāzat al-ḥayawānāt al-ḥaṭira*)<sup>47</sup> regulates the ownership, possession, trade, and breeding of dangerous animals,<sup>48</sup> with the aim of safeguarding public safety and protecting both human beings and other animals from harm caused by such animals. The law is composed of 35 articles and two annexes. Annex I provides a comprehensive list of animals classified as dangerous. In addition to the expected categories such as large canids and felids, the list includes various wild species such as marsupials, primates, giraffids, camelids, non-domestic bovines, marine mammals, and even penguins. Annex II identifies specific dog breeds considered dangerous: Pit Bulls, Mastiffs, Rottweilers, Dobermanns, Boxers, Presa Canarios, and Japanese Tosas. It is important to note that the purpose of the legislation does not include the protection or conservation of wildlife.<sup>49</sup> Rather, it qualifies all listed wild species as dangerous animals, with the legislative focus directed solely at regulating their possession and control.

Pursuant to the provisions of the law, no natural or juridical person may own, trade, or breed dangerous animals (Article 3), except where a licence is expressly granted to specific entities, including zoological gardens, wildlife parks, circuses, specialised centres for care and shelter, and scientific research institutes (Article 4).<sup>50</sup>

Special provisions are laid down in respect of dogs (Articles 12-16), whereby no individual may keep a dog without first obtaining a licence from the competent authority, which is also mandated to establish and maintain an official registry for dog identification and tracking. In any case, the ownership, trade, and breeding of dog breeds designated as dangerous by the law is strictly prohibited. Dogs shall be leashed during strolling or when they are accompanied outside their sheltering places and no-one may stroll accompanied by a dangerous animal outside the licensed establishment.

The law provides for the regulation of certain criminal offenses. Any individual who deliberately employs a dangerous animal to assault another person shall be subject to a term of imprisonment from three to seven years, in the event that the attack results in permanent injury. Should the assault lead to the victim's death, the penalty shall be life imprisonment. Where a dangerous animal causes harm to a person without the possessor's intention at the time of the incident, the possessor shall be held criminally liable in accordance with the provisions relating to involuntary manslaughter or unintentional injury (Article 17). It is also prohibited to use a dangerous animal to terrorize people (Article 18). Coherently with the purpose of the law, here the focus is only on the protection of humans from the harm that can be caused by wild animals; the opposite is not taken into consideration.

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<sup>47</sup> An English version of the law is available at <<https://uaelegislation.gov.ae/en/legislations/1162/download>>; for the Arabic version see <<https://uaelegislation.gov.ae/ar/legislations/1162/download>>.

<sup>48</sup> Pursuant to art 1 dangerous animals (*al-ḥayawānāt al-ḥaṭira*) are those animals causing harm or damage to humans and other animals as specified in the annexes (1) and (2) attached to the law including predators, hybrid and semi dangerous animals. Predators (*al-ḥayawānāt al-muftarisa*) are animals depending in their lives on the hunting and eating of other animals' meat; hybrid is the animal resulting from the mating of two animals of different races or families while semi dangerous (*al-ḥayawānāt ṣibh al-ḥaṭira*) are non-dangerous animals which change their attitude to become hostile or fierce and may cause harm to humans.

<sup>49</sup> Themes partly addressed by Federal Law no (11) of 2002 concerning the regulation and monitoring of international trade for endanger species, Federal Law no (24) of 1999 concerning Environment protection and development and its amendment, and Federal Law no (23) of 1999 Regarding the Exploitation, Protection and Development of the Living Aquatic Resources in the Waters of the State of the United Arab Emirates.

<sup>50</sup> These authorised entities are subject to strict obligations, such as obtaining appropriate insurance coverage against risks associated with the presence of dangerous animals; providing veterinary care and required vaccinations; ensuring safe and suitable shelters for the animals, in compliance with health and safety standards; supplying appropriate nutrition tailored to the species, age, and dietary needs of the animals (art 6 and 10).

Lebanese Law no 47 of 2017<sup>51</sup> on the protection and welfare of animals (*qānūn ḥimāyat al-ḥayawānāt wa-l-rifq bihā*) establishes a legal framework for the protection (*ḥemāya*) and welfare (*rifq*) of animals. Comprising thirty articles, the law governs various aspects related to animals such as the sale and breeding, the responsibilities of animal keepers, the raising and use of farm animals for labour, the conduct of scientific experiments involving animals, the use of animals in entertainment, the regulation of zoos and rescue centres, and criminal sanctions.

The promulgation of this law was motivated by the insufficiency of existing legal protections for animals under prior legislation, and by Lebanon's obligation to align its domestic legal framework with relevant international conventions and recommendations, especially the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Additionally, a growing public demand – particularly in response to the rise of pet shops and the increasing presence of stray animals – underscored the necessity of establishing a comprehensive system for animal protection. Pursuant to Article 2, the objective of the law is to ensure the protection and humane treatment of living animals and to regulate the facilities that manage or utilize animals. In doing so, the law considers applicable international conventions and recommendations, such as CITES and the guidelines issued by the World Organisation for Animal Health (WOAH).

The law defines animal (*ḥayawān*) as a multicellular organism (*al-kā'ināt al-muta'addidat al-ḥalāyā*) belonging to the animal kingdom, including mammals, birds, reptiles, amphibians, and fish (Article 1).<sup>52</sup> Article 4 enumerates the general obligations related to the treatment of animals: refraining from inflicting distress, pain, or suffering upon animals, or exposing them to danger or acts of cruelty, except in cases expressly permitted by law; providing animals with basic necessities and vaccinations, in accordance with their species and age requirements; prohibiting the organization of animal fights, whether between animals themselves or between animals and humans; prohibiting the use of animals in entertainment, exhibitions, advertising campaigns, artistic performances, or circuses where such use may cause pain, injury, or suffering to the animals; prohibiting the offering of animals as prizes; authorizing euthanasia solely in accordance with the methods and conditions prescribed by a decision of the Minister of Agriculture, and only under the supervision of a licensed veterinarian, consistent with the guidelines of the WOAH.

It is strictly prohibited to possess or keep any animal listed in Appendix I of CITES, whether sourced from the wild or born in captivity. This prohibition also applies to endangered or dangerous species as designated by decision of the Minister of Agriculture. Exception is made solely for zoological gardens or rescue centres duly licensed pursuant to the provisions of this law (Article 7).

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<sup>51</sup> Published in the Official Gazette no 41 of 7 September 2017, the Arabic version of the law is available at <<http://77.42.251.205/LawView.aspx?opt=view&LawID=273655>>.

<sup>52</sup> The definition is scientifically more accurate than that proposed by the Emirati legislator, although neither comes close to the definition of animal provided, for instance, by the Merriam-Webster dictionary: “any of a kingdom (Animalia) of living things including many-celled organisms and often many of the single-celled ones (such as protozoans) that typically differ from plants in having cells without cellulose walls, in lacking chlorophyll and the capacity for photosynthesis, in requiring more complex food materials (such as proteins), in being organized to a greater degree of complexity, and in having the capacity for spontaneous movement and rapid motor responses to stimulation”, <<https://www.merriam-webster.com/dictionary/animal>>. The law 47/2007 offers also definitions of wild animal (*ḥayawān barrī*) as an animal that has not been domesticated; farm animal (*ḥayawān zirā'i*) as a domesticated animal raised on farms for human consumption or to perform agricultural labor; stray animal (*ḥayawān šārid*) as a domesticated animal that lacks human supervision or that roams freely without control; and domestic animal (*ḥayawān mudaḡḡan*) as an animal of a species that has adapted to human environments over successive generations.

The slaughter of animals is permitted exclusively within licensed slaughterhouses or facilities specifically designated for the slaughter of agricultural animals. Subject to the provisions of this law and the recommendations of the World Organisation for Animal Health (WOAH), a decree issued by the Council of Ministers, upon the proposal of the Minister of Agriculture, shall determine the technical and sanitary standards applicable to such slaughterhouses and designated facilities (Article 15).

It is prohibited to employ any animal for labour if its age or health renders it unfit for work, or if the working conditions or equipment used endanger its safety or development, exceed its natural capacity, or cause it distress, pain, or suffering. The types of animals permitted to be used for work shall be specified by decision of the Minister of Agriculture (Article 16).

Animal breeding is subject to a licensing requirement. Furthermore, an annual report prepared by a qualified veterinarian detailing the health status of the animals and the general conditions of breeding must be submitted to the competent authorities (Articles 13–14).

The conduct of scientific experiments involving animals requires prior authorization from the Ministry of Agriculture (Article 17). Said authorization shall determine the types and numbers of animals to be used, as well as the procedures and conditions governing such experiments. The use of animals in scientific research is restricted to licensed medical institutions, research centres, and universities, or any other entity authorized by decision of the Council of Ministers. The standards and specifications for such experimental centres shall be established by joint decision of the Ministries of Agriculture, Public Health, and Education and Higher Education, and must include the provision of appropriate medical materials for treatment, analgesia, and euthanasia, in accordance with WOAH recommendations (Article 18).

The use of animals in entertainment activities such as circuses, riding, cart pulling, or participation in competitions is not outright prohibited. However, it is conditional upon prior approval by the Ministry of Agriculture, following verification that all applicable legal conditions are satisfied (Article 19).

A zoological garden (*ḥadīqat ḥayawānāt*) is defined as a facility primarily established for the purpose of housing wild animals, with a view to their protection and the promotion of public education regarding them. As prerequisites for the issuance of an operating license for a zoo, the applicant must demonstrate that the facility's objectives include the conservation of species and animal biodiversity, the preservation of animal resources, the provision of an appropriate environment for the animals housed therein, and the dissemination of educational information regarding the exhibited species. Applicants must also submit a comprehensive plan detailing the methods for rearing and meeting the needs of each animal species, as well as enclosure specifications and environmental conditions that allow animals to exhibit natural behaviours. Additionally, the owner or at least one employee of the facility must either hold a university degree in animal sciences or have no less than three years of experience in a recognized animal welfare institution. The Ministry of Agriculture shall issue and maintain a list of species prohibited from display in zoos (Articles 20–22).

Any person who violates the provisions of any article of the said law shall be subject to a pecuniary penalty in the form of a fine ranging between three and ten times the amount of the official minimum wage. Furthermore, any individual who establishes one of the facilities governed by this law in contravention of the prescribed legal procedures, or who breaches provisions related to the withdrawal of a license or prior approval, or continues operations after suspension or prohibition of activities subject to licensing, or commits an offense involving an animal listed in any appendix of the CITES, shall be punishable by a term of imprisonment ranging from three months to two years, and a monetary fine. In addition to the penalties expressly stipulated therein, the competent court may order the confiscation of animals involved in the offense. The court may further mandate their transfer to a licensed rescue centre, or, where necessary, their euthanasia in accordance with the methods sanctioned by the Ministry of Agriculture and in conformity with the recommendations of the WOAH, with the costs

of such measures to be borne by the convicted party. In cases where the animals involved are not listed under any CITES appendices, the court may order their sale by public auction (Article 26).

## V. Final Remarks

Within Islamic societies, a growing debate is emerging regarding the redefinition of the relationship between human and non-human animals, beginning with a reinterpretation of the Qur'an. The question of whether the Qur'an adopts an anthropocentric perspective remains unresolved, and this ambiguity is, to some extent, mirrored in the positions taken by legislators. To date, there has been a marked reluctance to engage seriously and consistently with the significant issues surrounding the human exploitation of animals. The prevailing difficulty in recognizing animals as beings with distinct and autonomous interests, separate from those of the humans who engage with them either as owners, custodians, or co-inhabitants of shared environments, is evident in the cautious approach taken by the few lawmakers who have attempted to regulate this matter. Generally, it cannot be asserted that the current legislation directly reflects the influence of the *šarī'a* model; nonetheless, the examination of potential legislative implications stemming from the growing discourse on the interpretation of the Qur'an and *fiqh* regarding animal rights remains an open matter.

In this last regard, it should be reminded that, as said above, among the three countries examined only the United Arab Emirates are constitutionally bound to respect *šarī'a*. It is of particular interest that, in the context of animal rights, the legislator has chosen not to include a referral clause to *šarī'a* for matters not expressly regulated by the statute. Various explanations may be advanced for this legislative omission; however, a plausible interpretation is that the legislator does not consider this subject matter to be clearly linked to the principles and values underpinning *šarī'a*. Such an attitude could be discussed in light of *maqāṣid al-šarī'a* (the higher objectives of Islamic law),<sup>53</sup> currently read by scholars in an extensive perspective that include also preservation of order in creation and prevention of corruption (*fasād*) on earth;<sup>54</sup> however, it must be noted that the protection of environment, plants and animals are not yet acknowledge by majority of Muslim scholars as part of *maqāṣid al-šarī'a*, and this is probably one of the reasons for the lack of consistent legislation in these fields in many Muslim-majority countries.

Turkey, despite being a predominantly Muslim country, has enshrined secularism (*laiklık*) as a constitutional principle, while Lebanon, a multi-confessional state frequently affected by religious tensions, allocates a defined space for confessional rights solely within the framework of personal status law. It is therefore unsurprising that Turkey's legislation refers to the conventions of the Council of Europe, of which it is a member, whereas Lebanon aligns itself with international conventions like CITES.

Certain general critical observations may be raised with regard to the laws under examination. None of the examined statutes explicitly prohibit the establishment of circuses or zoos, although all impose certain conditions and restrictions on their operation. Similarly, animal experimentation is not banned; rather, it is regulated through conditions that differ in specificity across the various jurisdictions (Turkey, for instance, provides more detailed provisions, whereas those of the United Arab Emirates appear comparatively superficial). Furthermore, where legislation addresses animal cruelty in its diverse

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<sup>53</sup> The first formulation of this concept is due to Muslim philosopher al-Ġazālī (d. 1111) who identified the following as overarching aims of the law: religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), property (*māl*). For an introduction see Jasser Auda, *Maqāṣid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (The International Institute of Islamic Thought 2008).

<sup>54</sup> See in this sense Ibn 'Āšūr (d. 1973), *Maqāṣid al-šarī'a al-islamiyya* (1<sup>st</sup> edn Al-Istiqamah Press 1946); abridged version in English under the title *Treatise on Maqāṣid al-Shariah* (The International Institute of Islamic Thought 2013).

manifestations, aggravating circumstances (such as perpetrating the offense in the presence of minors, involving multiple animals, or publicizing the act on social media) are not expressly considered. Moreover, the trafficking of puppies from abroad, as well as the organization and participation in clandestine animal fights (primarily involving dogs, though not exclusively), are not explicitly subject to penal sanctions.

At the same time, the enactment of legislation – albeit imperfect or incomplete – signals the recognition of a legitimate public and civic interest in the matter of animal rights, or at least animal welfare. Such legislative intervention may be regarded as a preliminary yet significant step toward fostering a more developed normative awareness of the need to reassess the relationship between human and non-human animals.