



Ethical and Legal Protection of Drinking Water Resources in Islamic Jurisprudence (with Emphasis on Drinking Water Resources in Kabul)

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<http://dx.doi.org/10.18415/ijmmu.v11i10.6077>

Abstract

Water is a vital resource for all living beings. The increase in population and decrease in rainfall in many cities around the world have led to serious water scarcity and pollution of wells and water resources in countries. The expansion of industrial production has resulted in the release of pollutants into surface and groundwater in cities and farmlands of countries. Therefore, this research has been conducted in a library way to examine the views and solutions of Islamic jurisprudence on resolving the problems and preserving the health of drinking water resources and wells, especially in Kabul. The findings of this research are that to preserve the health of water resources, a legal or spatial boundary between neighboring wells or farmers is required to be 500 meters in soft land, but in hard land, at least 250 meters between them is necessary to prevent the resulting damages. However, the distance between a well and a septic tank is 2.5 meters in hard land, and at least 7 cubits or 3.5 meters in soft areas. This is to purify water pollutants and prevent the resulting damages to neighbors. The legal boundary approach has been stated to compensate for the damage caused by a well or a water canal. Moral boundary means the growth of human responsibility to prevent water and environmental pollution in Islamic jurisprudence. Natural pollutant filters for well and canal water are the elements of soil, sand, abundant or flowing water, and oxygen present in water in Islamic jurisprudence.

Keywords: *Well Water; Qanat; Moral Boundary; Legal Boundary; Water Pollutants*

Introduction

Water is the primary element of life for humans, animals, plants, and all living beings on Earth. Another role it plays is as a source of purification and physical health for living beings in Islamic law. This life-giving resource, due to global warming, decreased rainfall, and the increasing needs of societies for this clean source, necessitates the study of its necessities, requirements, and harms in human societies.

Afghan cities, especially the ancient city of Kabul, are cities of wells; 80 percent of the people in this city meet their drinking water needs from underground aquifers, wells, and canals. With the increase

in population, decrease in rainfall, and lowering of the sea level, this city will face a water crisis in the near future. In addition, greenhouse farming in cities, especially Kabul, has led to a severe reduction in the city's water resources. Chemical and industrial pollutants have also damaged its purity and health and have harmed living beings. In addition, 80% of this city lacks a municipal sewage system, and some wells have been constructed in an unprofessional manner. These factors cause the spread of sewage and the proximity of water and sewage wells, which pollutes drinking water. Therefore, this research seeks to examine "Ethical and Legal Protection of the Health of Drinking Water Resources in Islamic Jurisprudence - with Emphasis on Drinking Water Resources in Kabul". This is to preserve the health of drinking water in Kabul and prevent pollutants and the resulting damages.

1. Theoretical Framework

This theoretical framework explores the relationship between ethics and law. Establishing a strong connection between these two domains can provide a valuable tool and complement for preserving environmental elements and preventing harm caused by water pollutants from individuals and legal entities in society. The legal framework can be effectively employed to compensate for the damages caused by pollutants.

1.1. The Concept of Ethics

In Arabic, the word "ethics" is derived from the root "khulq" and "khuluq". According to Raghīb al-Isfahani, these two terms have the same origin (Raghīb al-Isfahani, 1363, Vol. 2, p. 234). "Khulq" refers to the physical form or appearance that can be seen with the eye. "Khuluq" refers to the internal qualities, traits, and dispositions that can be perceived with the heart's eye (Khorasani: 1386, p. 23). Therefore, it can be said that "ethics is the collection of a person's spiritual and inner qualities" (Makarim: 1377, 24). Ethics also means nature, habit, temperament, and so on (Ibn Manzur: 1363, 86). It is used in this sense in the Holy Quran: "Indeed, you are of a sublime character" (Qalam: 4/86). In the Quran, the term is used in the same sense: " (Al-Qalam: 4/86).¹

The term "ethics" has been defined in various ways throughout history. Ibn Miskawayh al-Razi, in his work "Tahdhib al-Akhlaq," describes ethics as "a state of the soul that prompts one to perform actions without the need for deliberation or thought" (Miskawayh, 1390, p. 51; Fayz Kashani, 1340, p. 56). Similarly, ethics can be understood as the qualities and dispositions of the soul that, when internalized by an individual, enable them to perform actions with ease, akin to how skilled artisans and professionals carry out their tasks. Those who possess virtuous qualities perform good deeds effortlessly, while those with vices engage in wrongdoing with ease. Therefore, ethics encompasses the qualities and spiritual states of the soul that lead to actions, whether virtuous or reprehensible, flowing naturally from the individual who embodies those particular ethical traits (Jawadi al-Amoli, n.d., p. 73).

Qara'malaki, a prominent scholar of ethics, defines ethics as a communication pattern based on respecting the rights of the other party involved in the interaction. In other words, ethics entails taking responsibility for upholding the rights of individuals (Qara'malaki, 1387, p. 234).

In Western thought, the concept of ethics has been explored and defined in various ways. The term "ethics" is derived from the Greek word "ethos," which encompasses customs, traditions, and the cultural beliefs of an individual (Bayat, 1389, p. 189).

Paul Roubiczek, a renowned Western philosopher, defines ethics as a behavioral pattern based on absolute values that guide an individual towards goodness and virtue (Roubiczek, 1387, p. 300).

¹ إِنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ .

Roubiczek's definition emphasizes the role of ethics in shaping individual behavior and decision-making, emphasizing the pursuit of moral excellence and adherence to universal principles of goodness.

According to the above contents, in a brief summary, descriptive ethics is on one side and on the other side is applied and professional ethics; But in descriptive ethics, the good and bad actions and behavior in the society are determined and give positive or negative direction to it; From the example of descriptive ethics, it clarifies what is good and bad behavior in society; Common well water or common water journeys in descriptive ethics is that this water is the common share of the respective community and one should not use more than one's share from the common well and the common aquifer. This type of view towards shared water resources is considered a desirable behavior. But if we use more than our share of common underground resources, a counter-value work has been done. But this behavioral desirability does not reach the stage of legal requirement, which can be considered as a reason for legal prosecution for individuals. The field of ethics is broader compared to the field of deeper ethics and includes small losses, but if the losses are large in custom, it is included in the legal and binding realm and there will be a need to compensate for the losses.

But practical ethics can be explained in a general view focused on its application. In other words, it can be said that professional and organizational ethics are in each other's territory, in the sense that it defines the occupational and behavioral responsibilities of the members of the society in a specific class (Qara'malaki, 2008, p 234) In other words, the ethical approach tries to increase the level of responsibility of water users.

1.2. The Relationship Between Ethics and Law

- Ethical Commitment in Performing Legal Acts: According to this view, ethics is one of the foundations and sources of law (in the general sense of the word) (Langroodi: 1381, p. 50). The concept of "foundations" means obligations and commitments (Mansouri Abbadi: 1391, p. 63) in the mentioned sources. In this regard, the concept of applied ethics can be explained as the moral obligation and commitment to fulfill legal obligations. The objective equivalent of this has been mentioned in the blessed verse (Ma'idah: 1/5)², (Baqarah: 2/40).³ It was stated in the previous discussions that ethics is a communication model based on respecting the rights of others; In other words, ethics is responsibility for the rights of individuals. (Qara'malaki: 1387, p. 234) One of the meanings of ethical commitment is: "Ethics is related to value (such as good, bad, desirable and undesirable), related to duty (such as right, wrong, should, should not) and related to merit (rights, claims, justice and injustice)" In other words, our ethical behavior is composed of three concepts of value, duty and merit, and with these three values we understand rights. (Robert Al: 1389, p. 53) Based on the above, the ethical responsibility of water consumers to maintain the existence and health of drinking water is proven, and the ethical responsibility to maintain and preserve water as a public capital is evident.
- The Regulation of Social Legal Relations: One of the effects of the relationship between ethics and law is that it causes the grounds for legal crimes to be eliminated in the human being's nature and within him, and to be regulated and implemented in the best possible way through social and legal relations. Rights are not capable of regulating superior social relations without the help of ethics. (Jafari: 1364, p. 439) The growth of morality in individuals in society causes them to respect each other's rights and makes social order and cohesion more sustainable.
- Flexibility in Legal Acts: Legal acts are always rigid and fragile. But moral obligations make the fragility of rights flexible. For example, reclaiming a loan and a qarz al-hasanah, for the owner of a qarz al-hasanah, it is necessary to have the right, but giving a deadline, forgiving and taking

² "أَوْفُوا بِالْعُقُودِ" .:

³ "وَأَوْفُوا بِعَهْدِكُمْ" .:

care of the debtor's condition is an ethical matter and leads to the development of the lender. (Qara'ati: 1383, p. 451) In another example, the legal rule on the issue of a woman's dower is that she is entitled to half or all of the dower, which she must receive without reduction, even if no intercourse has taken place. But then he goes to the moral and emotional aspects and says: "Unless they forgive themselves or if they are minors or fools, but they, meaning the one who has the knot of marriage in his hand, forgives him" "إِلَّا أَنْ يَغْفُورَ أَوْ يَغْفُورَ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ" (Babai: 1382, p. 316). "God has mentioned the amount of profit of spending and giving up the right or property of oneself to others from two to seven hundred times, which this amount of profit depends on the degree of merit of the person" (Baqarah/ 2/ 261). "If wealth is not spent in the way of God and for the benefit of society and to meet the needs of the people, the fate of that society and nation will lead to perdition and downfall." (Baqarah/ 2/ 195).

The sociological analysis of Islamic sources on prohibited rights reveals its burning nature: "Save yourself and your family - your surroundings - from this fire" (Tahrim/ 66/ 6). The Holy Quran has likened those who commit prohibited rights to the consumption of impurities and impurities (rajis) in society. (Ma'idah/ 5/90). This source adds; People who commit the act of rajis and impurity are considered to be a result of lack of intelligence and disbelief. (Yunus/ 10/100).

-The Difference Between Moral and Legal Directives: In some cases, if rights are generally mentioned in the sources, they can be classified as follows: recommended rights are part of moral rights, and wajib and obligatory rights are part of positive rights: "The right mentioned (the right of the asker) in the verse for askers and the needy in the wealth of the rich is a recommended right as a moral, social and human right, but the wajib part of it is like paying zakat al-mal to the poor, which is a type of positive right. . . ." (Harisi, without a date, p. 493)

-Pleasure in Moral Statements: The school of hedonism and functionalism of morality are raised as popular schools in the contemporary world. According to these schools, there will be pleasure in consuming goods, consuming services, clothing, food, housing, etc. But based on the Islamic hedonistic school, it does not recommend material and property because of its social harms, but rather pleasure in this school is in following divine rights, the rights of the people, social rights, family rights, nature rights and other rights, as well as service in society is emphasized. This hedonism is referred to in Islamic texts as "self-generosity" (Collective of Researchers, Vol. 3: 1426, p. 148 and Majlesi Awwal, Vol. 5: 1414, p. 44). As Hazrat Zainab in Karbala experienced the martyrdom of young people, the captivity of the Ahl al-Bayt (AS), hunger and the burning of tents, and introduced them as beautiful and joyful in the path of fulfilling divine rights. Based on the previous material; moral rights cause flexibility, commitment to the implementation of positive rights and legal laws such as citizenship laws, civil, driving, political, criminal and environmental laws.

2. Ethical and Legal Protection of Drinking Water Resources

Ethical and legal protection in the preservation, health, hygiene, and conservation of drinking water is often overlapping and complementary to each other.

-The Concept of Drinking Water Resources: Drinking water resources can be generally classified into three categories:

Subsurface Resources: Sources such as springs, shallow wells, deep wells, flowing wells, and water from constructed canals constitute groundwater resources.

Surface Resources: Waters that exist in nature in the form of rainwater, river water, natural lake water, or storage dams and canals, and can be selected as drinking water sources if their

extraction, improvement, maintenance, and exploitation are possible considering economic and technical considerations.

Saline Water Resources: Finally, in situations where none of the above sources are available for obtaining fresh water, the third source is seawater and saline lakes. Saline groundwater. Today, Persian Gulf countries are forced to use saline water, such as seawater, due to the lack of fresh water sources; In this regard, they use reverse osmosis to desalinate water. (See: <http://www.zadab.com-drinking-water-sources>)

2-1. The Role of Well Protection Zones in Maintaining Drinking Water Health

In this section, we will discuss the ways to protect the health of drinking water resources.

This topic can be examined from two perspectives: the longitudinal distance between two or more water wells and the height between two or more water wells. This is because these two areas are susceptible to damage and harm to other wells.

The Concept of a Water Well: "Some jurists have defined it as a place where bubbling water is provided from the ground and does not usually flow to another place. Others have referred the definition to custom." (Shahid al-Awwal: 1395, Vol. 1, p. 121). Therefore, a water well is: "A deep circular hole created in the ground to bring out water." (See: Islamic Encyclopedia: https://en.wikipedia.org/wiki/Islamic_World_Science_Citation_Database)

The Concept of Water Hygiene: Water in Islam is pure in itself and has the ability to purify objects and objects that are impure and polluting. This cleansing of water is any Hadath (apparent impurity of the body and objects) and Khubth (internal impurity of the human body such as Janabat, Haydh, and Nifas) (See: Wiki Fiqh: <https://fa.wikifeqh.ir/>). "And We sent down from the sky pure water" (Al-Furqan/ 25/ 48); on condition that it is absolute and pure and that the water does not become impure as a result of washing the impurity; Water becomes impure when it changes and becomes passive as a result of contact with an impurity or an impure (impure) object. (Babataei Yazdi: without a date, Vol. 1, p. 107)

Today, human scientific experience and scientific centers around the world have realized that one of the important elements of water is oxygen. Scientifically, oxygen is a highly reactive non-metal and an oxidizing agent that easily oxidizes elements and chemical compounds. One of the common applications of oxygen gas is for killing bacteria and disinfecting materials. Researchers at Amir Kabir University of Technology have developed a device for air purification using plasma that is capable of eliminating and removing viral and microbial pollutants from the environment without the need for filters and consumables. (See: <https://sepahanpalayesh.com/>)

- Protection Zone between Drinking Water Wells: A well that is dug for irrigation of crops and the like in fallow land has a protection zone, and the protection zone or distance of it, according to the well-known opinion of the jurists, is sixty cubits (27 meters) on all four sides and no one can dig another well in this area or revive it in any other way. (Najfi: 1393, Vol. 41, p. 38) Because in jurisprudence and law, digging a well revives fallow land and this type of revival causes ownership of the land, well and its water. (See: Wiki Fiqh: <https://fa.wikifeqh.ir/>). If the land is hard, there should be a distance of five hundred cubits (225 meters) between the two water wells, and if the land is soft, a distance of one thousand cubits (500 meters) is necessary. Until no harm or loss is caused to the neighbor" (Saduq: 1409, Vol. 4, p. 130). It is necessary to observe and observe this protection zone for digging a new well in order to avoid damage by reducing the neighbor's water, and it is also emphasized as a binding right for the sufficient space to use the water of this well. In addition, some jurists have stated that it is permissible for each of these two neighboring owners to dispose of their property in any way and wherever they want, even if it entails harm to the neighbor, but the meaning of the generality of the arguments is that it is not

permissible to cause corruption and harm to the neighbor's property, and the rule of no harm prevents digging this well; Therefore, the construction of a new neighbor's well that causes the other neighbor to dry up and harm is not permissible. (Khomeini: 1368, Vol. 2, p. 218)

- Protection Zone for Selling Well Water: In Islamic sources, reviving or taking possession of a water well results in its ownership, and therefore the method of buying and selling it has been explained. According to Saeed bin Yasar in this regard, he says: "Imam Jaafar al-Sadiq (AS) asked: A man is a partner in a qanat (underground water channel) with a group of people, and some of them do not need their share of water. Can he sell it to someone else? He said: Yes, whenever he wants to exchange it for money or wheat by the kilogram." (Saduq, Vol. 4: 1409, p. 321)

This question is important because water resources are considered national assets and public property. However, the allocation of this water to an individual can be done legally through revival and possession. As a result, this person who has revived or dug or bought this qanat can take it into his personal ownership and under these conditions will be able to sell the excess water to his neighbors and those in need

2-2. Quality of Hygiene of Other Drinking Water Sources

- Little and Abundant Water: Little water is water that has a volume of less than abundant water (480 kg weight) and is not boiling or moving. Prominent examples of little water include water in a pitcher or jug. The impurity of human urine and feces must be washed with this water more than twice to be purified. However, as soon as the impurity of humans and animals reaches this water, it becomes impure. It is worth noting that if the water is small, it becomes impure as soon as it comes into contact with impurities or impurities. However, if the water is abundant, if its color, smell, or taste changes as a result of contact with impurities or impurities, it will not become impure. (Khomeini: 1440, Vol. 2, p. 113 - Tabatabai Yazdi: undated, Vol. 1, p. 107)
- Running Water: Running water, which is one of the purifiers, refers to water that flows on the ground due to rainfall, as well as water from springs, rivers, and city water pipes. Its purifying nature in Islamic jurisprudence has its own rules. Running water, even if it is less than abundant water (480 kg), if it comes into contact with impurity but its smell, color, or taste does not change due to impurity, it is pure. (Wikipedia, the Free Encyclopedia: https://fa.wikipedia.org/wiki/%D8%A2%D8%A8_%D8%AC%D8%A7%D8%B1%DB%8C)

An important condition for this water is that it should spring from the ground and flow on the surface of the earth. (See: https://fa.wikifeqh.ir/%D8%A2%D8%A8_%D8%AC%D8%A7%D8%B1%DB%8C)

According to the majority of jurists, water that also springs from the ground but does not flow, has the same ruling as running water in not becoming impure when it comes into contact with impurity; even if it is less than a karr - for example, drinking and sweet well water. (Tabatabai Yazdi: undated, Vol. 1, p. 95).

- Spring Water: Spring water that is not flowing but is such that if water is taken from it, it still springs, has the ruling of running water. Water that is standing next to a river and connected to running water has the ruling of running water. The water of bathhouses that flows from faucets and showers is like running water if it is connected to abundant water. Also, if impurity falls into the well and changes the smell, color, or taste of its water, if the change in the well water disappears, it is purified when it is mixed with water that springs from the well. (Khomeini: 1392, p. 9).

- How Water Resources Become Polluted: From a legal point of view, some criteria have been mentioned for the impurity of a water well. If these conditions are visible in the water well, it will not be potable.

Since well water is considered running water and has its rulings and is not easily polluted. However, if something unclean and dead falls into it and causes a change in its color, smell and taste, in this case, the use of this well will be prohibited from a legal point of view. (Saduq, Vol. 1: 1409, p. 39)

- Steps to sanitizing a contaminated well: If some impurity or dead objects fall into the water well, in this case, in order to make it sanitary, the following points are stated from the legal point of view:

The biggest thing that can fall into a water well and die in it (and change the water) is a human being (and the Shariah has said that) seventy buckets of water should be drawn from that well and then used for washing and drinking. The smallest thing that can fall in the well is Wagtail or blood. (The Wagtail is smaller than a sparrow's) in this case, a bucket of water should be drawn and then it can be used for washing and drinking. In the distance between the human and the Wagtail, water is drawn according to the size of the thing that falls into the well, so if a mouse falls into it and its body is not disintegrated, a bucket of water is drawn from that well, and if its parts are broken, seven buckets, and if a donkey falls into it, the amount of water will be drawn as much as one bucket (the size of which exceeds the bucket's water), and whenever a dog falls into the well, thirty to forty buckets will be drawn from it, and if a cat falls into it (and it dies) seven buckets of water are drawn from it, and if a fowl or a pigeon falls into it (and it dies), seven buckets of water are drawn from it (and this is better, and two buckets and three buckets are also narrated) and whenever a camel Either a fat cow fell in it (and died) or an intoxicating liquid is poured into it, all the water is drained, and if a few drops of blood drip into the well, a few buckets of water are enough, and if a man urinates in it, forty buckets of It will be drawn, and if a child who eats (is not an infant) urinates in it, three buckets of water will be drawn from that well, and if (the child who peed in the well) is an infant, one bucket of water will be drawn from the well. And if a closed leather bag filled with human excrement, dry or wet, or a bag full of dung falls into a well, there is no problem in making ablution water from it, and it is not necessary to draw water from it, and this ruling It is the time when impurity has not penetrated from inside the bag or dung and does not fall into the tank, and whenever the ajrah (human excrement) and impurity are poured into the well, ten buckets of water are drawn from it, and if the ajrah falls apart in the water, forty Fifty buckets are drawn from it. (Sadoq, Vol.1, 1409, p, 37).

The biological role of oxygen in water health: in Islamic teachings, the purity and cleansing power of water is expressed differently according to the above contents, and it depends on the volume of water and the amount of oxygen in the water; For this reason, oxygen plays an important role in the biological process of purifying water and contaminated objects. Aerobic bacteria have the ability to break down organic materials and use them well, for this reason, when there is enough oxygen, the biological process will continue as a result of organic materials such as carbon, nitrogen, sulfur, hydrogen, oxygen. which could not be decomposed, they create the cohns compound. If there is enough energy for the compound, the compound will be converted into new c5h7no2 cells.

The main source of biological oxygen demand is sewage, its main source includes leaves, wood residues, plants, dead animals, animal manure, sewage treatment plants, broken septic systems and urban water runoff, another main source or food item. In the past, phosphate pollution is the biological demand of oxygen, in fact, the same amount of oxygen consumed by bacteria and other microorganisms during the decomposition of organic matter in aerobic conditions. (Refer: sephanpalayesh.com)

The role of ethics in providing drinking water to the environment: in terms of the moral teachings of Islam, it is recommended and emphasized to prevent the reduction or crisis of drinking and sanitary

water in the society and in the neighborhood, and for maintaining the healthy drinking water needed in the society, it has included a suitable reward and reward; The Prophet of Islam (pbuh) says: Whoever gives a thirsty and needy person healthy drinking water, God will record seventy thousand good deeds for him, and this kind of giving water will reduce the sins of a person. (Dar al-Hadith: 1374, No. 16, p. 377). In the heavenly teachings of Islam, watering a tree is like giving water to a thirsty believer. Imam Sadiq (peace be upon him) says: "I water the talha o sidra fak'anma the water of a believer, I am thirsty" (Ayashi, 1380, vol. 2, p. 86, h. 44), when the reward for watering a tree is the same as watering a believer, then planting a tree and creating the green space is also part of the good religious traditions that are effective in the afterlife happiness of man". (Javadi Amoli, 2016, p. In Islamic ethics, if a person consumes a neighbor's water without consent and thereby causes harm to him, consumption of this water is haram and the spiritual and status effects for this person are taken into account. It will be pure and its fruit will be sweet, and the more impure the plant is, the more impure the plant will be and its fruit will be bitter" (cf. Haram bite; fa.wikifeqh.ir) Haram eating and consuming other people's property without the consent of the owner The non-acceptance of obedience and worship becomes human, and the prayers and needs of this person are not accepted by God. (Majlisi, Vol, 45. P. 8)

He role of ethics in maintaining water resource reserves: Water is the vital element of living beings and is limited in nature. For this reason, God Almighty has taken into account mandatory rules in this field in order to control a lot of zinc in its consumption: "Eat and drink, but do not be extravagant, for God does not like extravagant people. (Quran, 7, 31) God cuts off His friendship and mercy from the spendthrift, and he is also deprived of divine guidance. (Quran, 40, 28) In addition, extravagance and excessive consumption of resources causes "corruption and destruction in the land" (Quran, 26,15); The extravagance of people hinders development in the society.

2.3. The Role of Privacy in Drinking Water Health (Water Well with Sewage)

In some cities, such as Kabul, the buildings are built on the side and sewage sequentially, in some cities the water pipes are built with sewage pipes in parallel. The two may meet with the pipeline or burnout, and one is impatient on the other, so it is determined in the hadiths between the two wells: "And whenever beside the blue well for purity and purity and purity. Eating it is used to be a well and a well, so if the land is hard and impermeable, it is worthy of at least five cubits (2.5 meters), and if the land is sandy and pervasable, at least seven cubits. (3.5 m) The distance is needed. " (Saduq, c. 1,1409, p. 37); As a result, the validity and privacy of the two wells and sewage water is to provide the health of the wells, at least, if the well and sewage wells at least in the land are stiff and at least in the land. An impermeable 5 crops (2.5 meters) should be observed, but if the two wells that are sandy, 7 crops, i.e. (3.5 meters) meters, must be observed. According to the famous saying, it is advisable to be between the well and the sewage well on the hard land and in the absence of the surface of the sewage well from the water well, five cubits (2.5 meters). This gap is required in the soft ground as well as if the sewage surface is equal to the water well (3.5 meters) (Najafi: 2014, vol. 1, p. 280). The meaning of the above is that if the water well is not respected, it will not be drinkable. If this distance is observed, the water will be legally healthy. If a person is less than that distance, the sewage well will be guaranteed by the health and damage of the previous well on the basis of the "rule of law"

The role of soil in purification in Islamic jurisprudence: Between the Well and the Fazel Ayat Well, which was mentioned earlier, it is considered as "soil" in Islamic jurisprudence as water purification, because soil has a cleansing effect and therefore Is one of the tenths that eliminate the impure and contamination of the objects; Provided the ground is dry and clean, it cleanses objects such as the soles of the foot and the foam. (See: Wiki Jurisprudence: fa.wikifeqh.ir). Another example is A container that if the dog's mouth is pouring in, after three times the soil is washed with a little water. And after three washes with the soil, the container is cleaned (Khomeini: 1424, vol. 1, p. 114) According to the above, soil in Islamic jurisprudence is considered to be the most important cause of water cleansing from polluting.

The role of soil in water purification: Given the necessity of distance between two and three and a half meters between the Well and the Fazel Ayat Well, the scientific cause of soil cleansing can be investigated, according to the IRNA reported by the Science Daily News, researchers at the University of Berkeley were able to create coatings on sand grains using minerals that can absorb toxic metals such as lead and cadmium from water. To make these sand grains, the researchers used manganese oxide, a non-toxic mineral and abundant in the soil. It can react with organic pollutants such as pesticides. These toxic substances found in the water resulting from the storm cause its poisoning and eliminate the possibility of exploiting this significant water source. In addition, Berkeley sand grains also provide the ability to cleanse heavy metals during municipal water treatment. Heavy metals such as lead are significantly present in the streets of the city due to fuel consumption and motion of the city, and when the rain flows through the streets, these metals contaminate it (www.arzeshinstute.ir).

Conclusion

This research investigates the ethical and legal protections for drinking water resources. The findings indicate that according to Islamic jurisprudence, constructing new wells in cities like Kabul, which face severe water scarcity, is prohibited if it causes harm to neighbors through pollution or reduced water supply. To maintain water quality and prevent contamination from new wells, legal boundaries have been established. The importance of preserving water quality and purifying contaminated water is also emphasized in Islamic sources.

In soft soil, the legal boundary between neighboring wells is approximately five hundred meters. Any violation of this boundary makes the well's owner liable. Additionally, the establishment of greenhouses in cities like Kabul, which are already facing water scarcity, poses a potential threat to the city's water resources. Therefore, such activities are ethically and legally restricted, and authorities must implement appropriate controls and monitoring.

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