

CHAPTER I

INTRODUCTION

1.1 INTRODUCTION

Allah has made it lawful for the Muslims to eat from the wholesome meat of animals and to benefit from its parts. However He made this permissibility subjected to the laws of the Holy Quran and *Sunnah* (sayings of the Holy Prophet, peace be upon him) which are basis of “the Sharia”. The laws emphasize that an animal in its origin is similar to humankind since both have life, and sense through which they undergo pleasure and pain. If this common link between humans and animals was to be considered, then it should have been unlawful to slaughter animals, eat from their meat, and derive benefit from their body parts (Usmani, 2005). Furthermore Allah made humans the best of creation and made the entire universe subservient to them. Everything Allah has created is for the benefit of humans, and it was in this context that He says;

"وهو الذي خلق لكم ما في الأرض جميعاً"

“It is He (Almighty) who created for you all that which is on the earth” (Al-Quran, Al-Baqarah 2:29)

The fact that animals are made lawful to be consumed contrary to their original status is exclusively due to the grace of Allah, He has kept this permissibility subjected to certain laws which are related to worship. When a person slaughters according to the Sharia laws, he acknowledges that the animal was made lawful for him only through the bounty and grace of Allah. He also realizes that his right to benefit from the animal and enjoy himself in eating them can only be acknowledged by thanking Allah

for this bounty and slaughtering the animal according to the method specified by Sharia.

Slaughtering of animals in Islam is not an ordinary affair in which a person is free to do as he wishes without having to follow any rule or principle at the time of slaughter. Rather, slaughtering is a matter related to worship in which a Muslim is bound to follow the laws described by the Quran and *Sunnah* (Qardawi, 1985). It is for this reason that Islamic law is superior to the laws of other religions in specifying the method of slaughtering, stipulating the fundamental principles behind the slaughter, and establishing the laws of slaughtering.

Looking at the Islamic methods of slaughter, the Islamic rulings clearly show that the importance of the religious obligations in regards to the origin and manner with which our consumable meat are processed is enormous. Thus, every Muslim community where Muslims are either in minority or majority undoubtedly need an experience and certified halal butcher or slaughter-man with a strict supervision and monitoring by the Sharia expert. Abattoirs and slaughterhouses are not new in our neighborhoods but the question is to what extent are they complying with the rules described by *fiqh*. Hence the need for a genuine monitoring body to regulate the process of animal slaughtering in accordance with Sharia rulings is more than necessary. Halal food or meat should not be treated as a minor issue as emphasis is made in the Quran: Allah says:

"فكلوا مما رزقكم الله حلالا طيبا واشكروا الله ان كنتم اياه تعبدون"

"So eat of the lawful and good food which Allah has provided for you and be grateful for the Graces of Allah if it is He whom you worship" (Al-Quran. An-Nahl 16:114)

And the Prophet (pbuh) said:

"ان الله طيب لا يقبل الا طيبا وان الله امر المؤمنين بما امر به المرسلين فقال تعالى (يا ايها الرسل كلوا من الطيبات وأعملوا صالحا)، وقال تعالى (يا ايها الذين امنوا كلوا من طيبات ما رزقناكم) ثم ذكر الرجل يطيل السفر أشعث أغبر يمد يده الى السماء: يارب يارب ومطعمه حرام ومشربه حرام وملبسه حرام وغذي بالحرام فاني يستجاب له"

"Allah the Almighty is good and accepts only that which is good. Allah has commanded the faithful to do that which he commanded the messengers, and the

Almighty has said: (O ye messengers! Eat of the good things and do righteous). And Allah the Almighty has said: (O ye who believe! Eat of the good things that we have provided you) then he mentioned the case of a man who, having journeyed far, is disheveled and dusty spreading out his hands to the sky saying: O Lord! O Lord While his food is unlawful, his drink unlawful, his clothing unlawful, and he is nourished unlawfully, so how can he be answered" (Hadith. Muslim. 1015, Ahmad. vol.2:328).

The rapid growth of the halal slaughtering industry presents a promising prospect for Muslim world in general, and Malaysia in particular for its extensive work in the industry and as a proposed Halal hub of the world. That creates awareness about halal meat and poultry, genuine certification and supervision of halal food products generally. The significant of the phenomenon lies in the increasing Muslim population around the globe and the emerging halal meat demand, market and services, which is a multi-billion-dollar worth business with high promising growth potentials. Besides, the religious awareness among the Muslims to consume halal food or meat, creates greater demand for halal products, either Halal meat consumption or general consumer goods.

Halal certification is not only limited to meat and food produce. Other products such as non-alcoholic beverage, raw materials needed in food processing, pharmaceutical and traditional herbal products, cosmetics and cleaning products, daily consumable goods and leather products like shoes, handbags and furniture are a good examples of the things that have to be halal certified for Muslim consumption and usages.

In addition to all the mentioned items, places like halal eateries, slaughter-houses, abattoirs, packaging and labeling materials are also required to be halal, with halal certification label to ensure they are suitable to be visited or used by Muslims. Likewise other things such as utensils and machines used for food catering and meat processing must not be contaminated with anything that are considered filthy or non-permitted (*najis* or haram) under the Islamic laws.

1.2 RESEARCH PROBLEMS

Just as food is an essential requirement for human survival, the same way meat holds an important place in the food sector. Slaughter practices in the meat industry presently have developed some modern techniques which is not limited to the traditional system of slaughtering. Sometimes this causes confusion and controversy with differing opinion as to what is considered as halal meat. Several modern technologies such as stunning and mechanical slaughtering that raises questions have been introduced. For these reasons complaints are being received from the Muslim consumers especially in the west regarding the manner in which the entire process of Islamic slaughtering are carried out (Halal Authority Canada, 2004). Though, complaints differ from one country to another, perhaps due to location and different view of the school of thought (*madhab*) followed by a particular area. For instance the complaints in Malaysia usually since 2006 till date are about the followings;

1. Slaughter-men at the abattoirs and slaughterhouses not reciting *tasmiyyah*.
2. Unmonitored stunning procedures.
3. Legislation and enforcement.
4. Contamination issues etc. (Maryam, 2006)

Malaysia halal industry is managed by the government through a department called JAKIM (*Jabatan Kemajuan Islam Malaysia*) otherwise known as Department of Islamic development Malaysia. The responsibility is to ascertain the status of the products involved not only in the official site inspection of plants but also how the raw material is maintained and monitored at all times. Moreover Malaysia had set up a standard known as Malaysia standard (MS 1500) and the Malaysian protocol for the halal meat and poultry productions, which provides practical guidance for the food industry on the preparation and handling of halal food, including nutrient supplements and to serve as a basic requirements for halal food products and food trade or business in Malaysia (MS 1500: 2009, JAKIM, 2011). Though compliance and halal

certification is taken shape but offenders remain a threat. In addition to that high level of ignorance and negligence among the Muslims consumers also stands a challenge.

Earlier in 2004 an investigation was launched by the *Jamiyyatul Ulama* of Canada in some meat and poultry slaughter plants though some of the problem not associated with Malaysia. The team discovered many areas of concern which are amongst the major problems the industry faces;

- I. Slaughter men at abattoirs not reciting the *Tasmiyyah* during the slaughter.
- II. Non-Muslims slaughtering at various abattoirs.
- III. Minimum amount of required veins not cut.
- IV. Unmonitored stunning methods prior to slaughter.
- V. Usage of rotating mechanical blades for slaughter.
- VI. Contamination issue (Mixing of halal with non-halal).
- VII. Doubts about the meat coming from abroad (Halal Monitoring Authority Canada, 2004)

1.3 AIMS AND OBJECTIVES

The study intends to create awareness and the importance of Sharia ruling issues that may be in need of assessment, improvement or complete development, and in turn improve standards and quality of the halal meat industry and its certification. Listed below are the research objectives;

1. To study the basic Sharia rulings (*Ahkam*) related to animal slaughtering.
2. To examine the problems that lead to the violations of Sharia rulings in Malaysian slaughterhouse.
3. To attempt a propose solution for the industry which may solve the problems in the Halal slaughterhouses and abattoirs in Malaysia.

1.4 APPROACH AND METHODOLOGY

The research will adopt a qualitative method in which semi-structured face-to-face interview is employed by the researcher with the Halal executives, slaughterer, and slaughtering supervisors, to assess the halal meat producer perceptions and experiences of the method they use in the slaughter operation. According to Parahoo

(2006) the design selected for research should be the one most suited so as to achieve an answer to the proposed research question. Qualitative research is a systematic, subjective approach to describe life experiences and give them meaning. The method allow researchers to explore behaviors, perspectives, feelings, and experiences in the depth, quality and complexity of a situation through holistic framework (Holloway and Wheeler 2002), as it may be required in the survey of slaughterhouses and the abattoirs. Semi-structured interview is a managed verbal exchange and as such its effectiveness heavily depends on the communications skills of the interviewer (Clough & Nutbrown, 2007). These includes the ability to design the question, listen attentively, pause, probe or prompt appropriate and encouraging the interviewees to respond accordingly.

The study also analyzed the content of existing primary and secondary sources (literatures and journals) on Islamic method of slaughtering are analyzed. The researcher would conduct a survey by visiting existing slaughter-houses, in order to be able to gather information on the mode of its operation with regards to their Sharia compliance and compatibility. Since the study is exploratory and descriptive in nature, the study also attempts to explore the awareness and perception of the meat producers, marketers and consumers. Malaysia as the research location, the interviews would be from around 30 plants focusing on five states namely: Selangor, Negeri Sembilan, Johor Baru, Perak and Melaka, representing other states since Malaysia has got a unified Halal Standard MS 1500 and protocol for halal food production and general guidelines.

1.5 SCOPE AND LIMITATIONS

Amongst the Sharia related issues, the study will attempt to unfold the effectiveness of the involvement of the Halal slaughtering inspection and the certifying body on matters of halal slaughter. The level of understanding of the slaughterers in handling of the animals meant for slaughtering. As halal meat is an integrated process involving several interconnected stages from farm to table. Attempt is made in identifying the method used in humane handling of the livestock. The study checks on slaughtering and processing of the halal meat or poultry been done with certified halal raw materials. Traceability of the product's source, carrying the certifying authority's

name, date, place of slaughter and time, especially imported meat or poultry locally or from abroad. Likewise storage and transportation been done carefully to avoid contamination.

Although it is not within the scope of this study to discuss at length the legal status of the other related contemporary issues. Such as the differences between cutting methods, way of slaughtering in the Christianity and Jewish faith. The study will not delve into the discussion of current situation about slaughtering of the People of book (Jews & Christians) and whether they recite the name of Allah during slaughter or not. These are exhaustive topics which can be discussed separately in lengthy paper. The research would only focus on the research questions, tackling the requirements of sharia rulings that fulfill the lawfulness and wholesomeness of the slaughtered animal, and those that violate sharia regulations in the slaughterhouses. In conclusion the research would be seeking a solution that probably would end the doubts in convincing the Muslim consumers that the meat they consume was properly slaughtered according to Islamic law.

Islam, slaughtering, halal and certification of the halal meat are significantly interrelated and could be understood by looking through various eating habit related issues in the Muslim community platforms and the Islamic world. The importance of investigating Sharia issues of halal slaughter is due to the primary fact that consumption of halal is of paramount importance for every Muslim. There is a direct link between the consumption of lawful food and worshiping Allah. The Prophet is reported to have said, "The body of a person nourished with unlawful food will not enter paradise (Zakudeen, 2007).

1.6 LITERATURE REVIEW

Slaughtering in Islam has been taught by the Quran, and emphasized upon by the Prophet more than fourteen hundred years ago before the introduction of any form of technology of the present day e.g. stunning and mechanical blade. Therefore it is necessary to observe the rules explained by the Quran and the Prophet regarding slaughtering. According to Othman (2007) and many *fiqh* experts like the four (*madhhab*) Islamic schools of thoughts; in understanding the basics laws that govern

Islamic diet, there are three categories of food for Muslims: halal (permitted), haram (forbidden) and *mushbooh* (doubtful).

Riaz and Chaudary (2004) as well opines; “among all the dietary and prohibitions placed on Muslims by the *Quran*, the majority falls in the domain of animal kingdom, especially land animals”. Obviously meat and poultry dominate the sector due to its concentration in terms of the permissibility and prohibition. *Dhabh* (slaughter) which is defined as a method of killing animal for the sole purpose of making its meat fit for human consumption requires a careful study and understanding. The word *Dhabh* is an Arabic word meaning purification or rendering something good or wholesome. *Dhabh* is also called *zakat* in Arabic that means purification or making something complete Zahraan (2002).

Many Islamic scholars, scientists, veterinary experts, concerned Muslims, and halal slaughterers have observed the modern slaughtering methods and wrote about their findings. Most of them maintains that the modern slaughtering technology in the industry e.g. mechanical slaughtering, stunning especially in the West are not purely Islamic. In contrary to that Taqi Usmani (2005) criticized, “The majority of the scholars of *Fiqh* hold the view that an animal slaughtered by the people of the book will only become lawful if they cut the required number of vessel using a sharp object and the slaughtering done correctly according to Islamic rituals. Referring to the West is because most of the new technology in slaughtering was introduced by them. Details shall be discussed further in the study.

There have been many studies carried out related to halal slaughter, and the imported meats, mostly on the halal certification and authority involved. Hence, this study concentrate on some of the controversial issues in the industry regarding slaughtering and the slaughterhouses, and the player’s perspectives regarding Sharia rulings of slaughtering, problems and factors causing the violation of the Sharia regulations in the slaughterhouses and probable solutions to those flaws regarding the handling and production of halal meat and poultry. The *Quran* had emphasized about the issues regarding the rules and laws pertaining to slaughtering of those animals for food or otherwise. Islam has got its method and teachings regarding slaughtering giving to the

Prophet. The Muslims should comply devotedly and strictly to its code and conduct. The Quran says:

"أما حرم عليكم الميتة والدم ولحم الخنزير وما أهل به لغير الله فمن اضطر غير باغ ولا عاد فلا اثم عليه ان الله غفور رحيم"

"He has only forbidden upon you dead meat and the blood and the flesh of swine and that on which any other name has been invoked besides that of Allah. But if one is forced by necessity, neither desiring it, nor transgressing its limits, there is no sin upon him. Indeed Allah is forgiving Most Merciful" (Al-Quran. Al-Baqarah 2 : 173).

Though, it is important to note that the consumption of the food or meat of the people of the book as said in the Quran is an exception and not a rule. The scholars of the past hold the view that a Muslim should avoid consuming the meat of the people of the book when halal meat is readily available, even if the people of the book fulfill the Islamic requirements. Imam Ibn Al-Human writes, 'A Muslim should not eat from the animals slaughtered by the Jews and Christians except at the times of necessity' (Imam Shawkani, 2002). Imam Shafi'i also says, "I will prefer the animal slaughtered by a Muslim over the animal slaughtered by a Christian or Jews even if it was done by a Muslim woman in her menstruation or a small Muslim child" (Shafii, Al-Umm. vol.2 :312).

There is also strong economic and social argument for giving preference to halal meat over the meat of the people of book. Quran says, "the food of the people of the book is lawful for you, and your food is lawful for them" (Al-Quran, 5:5). It is against the spirit of this verse to simply consume the meat of the people of the book and not give back to them with Islamic traditional slaughtered meat. The halal industry will continue to exist only if Muslims support it and purchase halal meat as well. Change in current practices in the halal meat industry will only take place when the Muslims present one united voice demanding authentic halal meat slaughtered in accordance to Islamic law.

Sheikh Muhammad bin Salih Al-'Uthaimin said in fatawa Al-Islamiyyah, "it is necessary for everyone to know the basic principle regarding foods permissibility,

except those things for which there is evidence of its prohibition. If we are in doubt about whether something is permissible or forbidden, then it is permitted until it became clear that it is prohibited. The evidence for this is in the words of Allah;

"هو الذي خلق لكم ما في الأرض جميعا.."

"He it is who created for you all that is on earth" (Al-Quran. Al-Baqarah, 2:29).

"The Prophet (pbuh) said, "Verily Allah has made compulsory the obligations – so do not neglect them. And He has decreed the limits –do not transgress them. And His silence about things is from His mercy, not forgetfulness, so do not investigate them." (Hadith. Ad-darqutni. vol.4:199).

Based on this principle, all animals are permissible until the evidence of its prohibition is known." (Fatawa Islamiyah. vol.6: 220). Muslims are supposed to make effort to obtain halal meat of good quality; it is their religious obligation to consume only halal meat or food. For non Muslim consumers, halal food often are perceived as specially selected and processed to achieve the highest standards of quality. For this reason many non-Muslim developed great interest and love for halal slaughtered meat consumption, this makes it obligatory that extra care should be taken in its production (Chaudry, 2004).