

THE MODERN METHODS OF ANIMAL'S SLAUGHTERING IN
MALAYSIA : AN ISLAMIC PERSPECTIVE

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THE MODERN METHODS OF ANIMAL'S SLAUGHTERING IN MALAYSIA: AN ISLAMIC PERSPECTIVE

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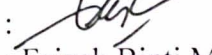
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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

IN THE NAME OF ALLAH, THE MOST MERCIFUL AND GRACIOUS

Alhamdulillah, praise to Allah Almighty and deep remembering addressed His Messenger Muhammad S.A.W.

I am very thankful to Allah SAW; with His blessings I have finished this writing. Through this research, I realize that the modern methods of animal's slaughtering are perhaps necessary elements of the industrialization process. And I found that the using of the methods is lawful accordance with the principles set down by Islamic law and Malaysia's authorities.

My deepest appreciation and gratitude goes to my supervisor Puan Yasmin Hanani binti Mohd Safuan for her continued support guidance, ideas, advices and commitments in helping me to write this research. I also would like to thank KUIM's administration; who had given me great impact in my life in terms of knowledge and opportunities. And thanks due to the Malaysian Islamic Development Department (JAKIM) for reveal all information pertaining on this matter. I would like to express my heartfelt gratitude to my father En. Md. Yusof Bin Kasuadi, my mother Puan Asmah Binti Sulaiman, my beloved siblings, also my beloved friends and other persons, I love all of you and thank you for your love and support me to finished this academic project.

Last but not least, I pray that we will be blessed with Allah's bounty and protection. Only Allah SWT can reward us for all our good effort.

ABSTRACT

The purpose of this academic writing is to study how far the *halalness* and the legality of modern methods of animal slaughtering as practiced in Malaysia, as it will help to increase the public's confidence towards *halal* meat sold in the Malaysian market. This study has identified, the stunning system of animals prior to slaughter are carried out in Malaysia nowadays are different with the original system that introduced by the western countries. In order to accomplish this study, past researches, library references and interview have been utilized as sources to obtain related information. The outcome of the study has shown that the modern method of animal's slaughtering is permissible in *Hukum Syarak* and the manufacturers in Malaysia follow the certain standard required by the authority. The Malaysian Islamic Development Department (JAKIM) has played an important role in its *halal* certification effort. And finally, the research concludes with the discussion on the Trade Description Act 1972 that use in Malaysia is not ascertains enough on the *halalness* of the product. To extinguish the confusion and ambiguity among Muslim consumers thus, the government should emerge an explicit *halal* act in meat production in Malaysia.

ملخص البحث

يلاحظ ويهدف هذه البحث إلى فهم مفهوم حكم الحلال للحم ومشروعية الطرق الحديثة للحيوان يذبحان كما زوولت في ماليزيا يومنا الآن، كما هو سيساعد على زيادة ثقة للمجتمع نحو اللحم الحلال باع في السوق الماليزية. هذه البحث ميّزت، النظام المذهل للحيوانات قبل الذبح مُنفذ في ماليزيا في الوقت الحاضر مختلف بالنظام الأصلي الذي قدّم في البلاد الغربية. لكي يُنجز هذه البحث، بحوث ماضية، مكتبة تُرجع ومقابلة إستعملت كمصادر للحصول على المعلومات ذات العلاقة. فوجدت الباحثة أن JAKIM تلعبون دورا فعالا في جُهد شهادته الحلال. احترازي الوصف التجاري ١٩٧٢ ذلك الإستعمال في ماليزيا لا تتحقّق كافية على حكم الحلال للمنتج. لإطفاء التشويش والغموض بين المستهلكين المسلمين هكذا، الحكومة يجب أن تظهر حلال واضح يتصرّف وفق إنتاج لحم في ماليزيا.

ABSTRAK

Kajian ini dibuat bertujuan untuk memahami dengan lebih mendalam tentang konsep sebenar Kaedah Penyembelihan Moden yang diguna pakai di Malaysia pada masakini. Dengan itu, ia akan dapat menambah keyakinan masyarakat terhadap penghasilan daging-daging yang terdapat di pasaran Malaysia. Selain daripada itu kajian ini juga dapat mengenalpasti bahawa kaedah yang telah digunapakai di Malaysia adalah berbeza dengan kaedah asal yang telah diperkenalkan di Negara Barat. Bagi menyiapkan kajian ini kaedah kajian-kajian terdahulu, rujukan perpustakaan dan temuramah telah digunakan sebagai sumber-sumber untuk mendapatkan maklumat-maklumat yang berkaitan tentang kajian ini. Hasil dari kajian ini menunjukkan bahawa Jabatan Kemajuan Islam Malaysia (JAKIM) telah pun memainkan peranan yang besar dalam pensijilan halal sesuatu produk yang dihasilkan di negara ini. Negara Malaysia tidak mempunyai satu akta khusus yang berkait rapat dengan kehalalan penghasilan daging. Dapatan dari hasil kajian juga telah menunjukkan bahawa Peruntukan di Akta Perihal Dagangan 1972 yang sedia ada tidak memadai untuk memastikan bahawa penghasilan sesuatu barangan itu benar-benar mengikut Hukum Syarak atau sebaliknya. Justeru itu, pihak yang berkuasa perlu membuat satu akta yang khusus untuk kesalahan ini sebagai langkah untuk menghalang dari berlakunya penghasilan daging yang tidak menepati hukum syarak di Malaysia.

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GLOSSARY

Al-Quran	The Holy book revealed by Allah SWT to Prophet Muhammad SWT.
Islam	A word meaning “literally submission” to the will of God.
Muslim	The believer of Islam.
Sunnah	The legal way or ways, orders, acts, of worship and statements of the Prophet SAW, that have become models to be followed by the Muslim
Halal	Lawful
Haram	unlawful, forbidden
Syariah	The way of Islamic Law
Hukum Syarak	Islamic Rulings
Syubhah	Obscurity, suspicion

ABBREVIATIONS

#	Number of hadith
Act.	Act
Art.	Article
Html	Hyper Text mark-up Language
Http	Hyper Text Transfer Protocol
Ibid	From Latin Language (Ibidem): the writer, title and pages from some book with previous references.
JAKIM	Jabatan Kemajuan Islam Malaysia
JPH	Jabatan Perkhidmatan Haiwan
Ltd.	Limited
n.a	No author/no artist
n.d	No date
n.pb	No publisher
n.pl	No place
N.Z	New Zealand
p.	Page
PBUH	Peace be upon him
pp.	Pages
RA	Radiya Allah anhu/anha/anhum
Sdn. Bhd.	Sendirian Berhad
SWT	Subhanahu wa Ta'ala
trans	Translator/translated by
Vers.	Version
Vol.	Volume
Writ.	Written by
WWW	World Wide Web

CHAPTER ONE: AN INTRODUCTION

1.1 Background of Research

Al-Quran has mentioned the word *Halal* seven times and the word *tayyiba* that means good forty five times which fifteen times of it referred to the foods. It is therefore clearly that eating *halal* and good foods is a must in Islam to all Muslims anytime and anywhere except during emergency.

Halal or lawful meat is the one that slaughtered using methods designed comply with Islamic strictures. Eating meat that was not slaughtered by the name of Allah is considered to be unlawful or prohibited in Islam. That meat is considered as carcass. The unslaughtered animal that permitted to be eaten are the animals that died immediately after incurred by hunting instruments or hounds. Slaughter means killing of an animal by or in combination with bleeding for the purpose of gaining its meat for human's consumption.

The Slaughtering Methods according *Hukum Syarak* is one of the important conditions to allow Muslims eating meat. Failing to do so, may well render the animal unlawful(*haram*).

Recently, the development in the new materials and methods of technology was so fast including in the foods sectors. It has produced modern methods of slaughtering such as electrical stunning system, mechanical stunning system, water bath stunner, and others.

In the meantime, this is clearly that the *halal* market is drawing increasing interest from producers to consumers in both Muslim and non Muslim over the world. Muslims are pleased to accept this modernity and technology growth. Moreover, we must take this opportunity as to introducing *halal* market around the world.

However, questions and confusions arise among Muslims on these new modern methods of slaughtering. The question is do the methods comply with the Islamic law and is it be done in a clean and righteous manner? Therefore, these examples of questions should be answered clearly so that, no more speculations and *syubhah* will arise in future.

The Author recommends that, although these modern methods help a lot in the *halal* meat production, the manufacturer or entrepreneur should follow certain Islamic rules to ensure the meat really lawful.

1.2 Statement of the Problem

- 1.2.1 Whether the modern method of animal's slaughtering is permissible in *Hukum Syarak*?
- 1.2.2 Whether the modern method of animal's slaughtering that implemented comply with the conditions and rules in *Hukum Syarak*?
- 1.2.3 Whether the manufacturer and entrepreneur in Malaysia follow the certain standard required by the authority?

1.3 Hypothesis

In this research, the author predicts the using of modern methods in slaughtering the animal is lawful as long as it is slaughtered according to the principles set down by Islamic law. The existence of modern methods in slaughtering process believed complies with the *Syariah's* condition. This is because the modern methods of slaughtering that had been used in Malaysia have to fulfill certain standard required by the authority. The author believes that majority of Islamic experts give a positive feedback to the modern methods of animal's slaughtering in Malaysia. In addition, this modern technology reflects the flexibility of Islam. Besides, this research is believed may answer all the questions and clear the confusions among Muslim.

1.4 Scope of Research

In this academic project, the author chose the modern methods of animal's slaughtering in Malaysia as the main focus of the study. Modern methods applied in Malaysia such as electrical stunning system, mechanical stunning system, and water bath stunner will be studied thoroughly.

1.5 Aim of the Research

Aim in this research is to study how far the *halalness* and the legality of modern methods of animal slaughtering as practiced in Malaysia, as it will help to increase the public's confidence towards *halal* meat sold in the Malaysian market.

1.6 Objective of the Research

- 1.6.1 To highlight the original concept of animal's slaughtering according to Islamic law.
- 1.6.2 To disclose the modern methods in the slaughtering animals and to determine whether the methods comply with *Syariah* or not.
- 1.6.3 To state a brief explanation why a certain modern methods is considered as lawful and some other is unlawful together with the basic conditions and processes that should be comply so that, it would not contradict the law and the quality of foods itself.
- 1.6.4 To clarify any confusions, ambiguities among Muslims on this matter.

1.7 Methodology of Research

Several methods will be used in this research in order to gather the information and data required.

- 1.7.1 Documentation methods: This method gathers the information in the document or written form. Author uses this method by referring to the narration from *Quranic* and *hadith* verses. Also from the books related to the topics, encyclopedia, magazines and news paper.
- 1.7.2 Library research methods: Author fined books of previous research on this topic at several libraries in Malaysia. Among the library are Universities libraries, Islamic Centre library and National library.

- 1.7.3 Interview method: Several interviews with respected authorities will be arranged.
- 1.7.4 Observation methods: visits to slaughtering houses will be made to have a clear view on how the animal is slaughtered.
- 1.7.5 Analysis data method: Any information, data and result gathered will be analyzed to ensure the modern methods used are in accordance with *Hukum Syarak*.

1.8 Literature Review

In the book entitled “*Penyembelihan Halal : Hukum, Teknik dan kawalan bakteria*” written by Lokman Ab. Rahman, explains about the process and steps in stunning methods that considered as lawful in Islam. He also mentions the procedure of giving the *halal* certification to the slaughtering house in Malaysia. The Writer also concerns about the cleanliness, safety and the controlling of bacteria to the meat.

In the books of “*بحوث في قضايا فقهية معاصرة*” Written by Muhammad Taqi Uthmani clarifies the original principle of animal’s slaughtering in Islamic law. Supported with *Quranic* verses, *Hadith* and several decided cases during Prophet Time.

“Electric Stunning-Sheep and Cattle: an Overview” written by R.C Tyson mentions the historical background of stunning methods. It also states the benefits resulted from the application of this method in New Zealand. This book also touches the application in Malaysia.

In the article written by Noorzila Jamaludin based on her research entitle "*Pelalian sebelum Sembelihan, satu kebaikan*". The research is about the benefits and advantages of using the modern methods of animal's slaughtering to development of economic sectors in one country.

A study carried out by Professor Wilhelm-Schulze and his colleague Dr. Hazim at the School of Veterinary Medicine, Hannover University in Germany. The Study: "*Attempts to Objectify Pain and Consciousness in Conventional (captive bolt pistol stunning) and Ritual (Halal, knife) Methods of Slaughtering Sheep and Calves*" The Research studies on the animal's pain comparison with of the westerner's practice and the Islamic practice.

The Academic Project Report was written by Mohd. Izuan Moin, entitle "*Kaedah Penyembelihan Ayam Secara Moden (water stunner) dianalisis Mengikut Perspektif Fiqh*". The report discussed on the implemented of water bath stunning to the chicken's meat production.

1.9 Summary

The author hopes through this research, all confusions and ambiguities among Malaysian Muslim on the *halalness* of meats in our market will be clarified and answered. Therefore, the meat can be consumed with complete insight and without any doubt.

CHAPTER TWO: ISLAMIC RULINGS IN ANIMAL SLAUGHTERING

2.1 Introduction:

Islam, the last religion to mankind, is a comprehensive full way of life. The holy book, *Al-Qur'an* and the saying or actions of the last prophet Muhammad, peace be upon him (PBUH) are the two major holy references for every Muslim for all affairs and issues of life. Food, eating, what is allowed to eat (*Halal*) and what is not allowed to eat (*Haram*), when to eat, how to eat, what animals allowed to eat, what animals not allowed to eat, how to do slaughtering the animal for food and how the prophet Muhammad (PBUH) slaughtered the animal for food. All these and many more have been explained clearly and in detail in the teachings of Islam.

Allah the creator, the legislator, the compassionate, the merciful to man and the animal has said clearly in the *Al-Qur'an* that the lawful meat is the one that slaughtered using methods designed comply with Islamic strictures. Prophet Muhammad (p.b.u.h), through his saying and actions teaches Muslims how to do slaughter in the proper and prescribe manner.

In this chapter, the author mentions all evidences from textual sources and also the discussions among Islamic Jurists on this matter in whole. Although there are several confliction of opinion among the Jurists, they based their opinion from *Al-Qur'an* and *Hadith*. The author expects that the general principles of animal's slaughtering should be first considered. So that, it can be compared with the modern methods of animal's slaughtering that applied nowadays whether its in accordance with the Islamic rulings or not.

2.2 Definition of Slaughtering

2.2.1 Literal definition

In the literal sense, slaughtering is taken from the Arabic word “*al-zakah*” means “*at-tathoiyyib*” or good things¹. It is also taken from the word “*az-zabeeha*” means cut, cleave and the killing of animals²

Thus word “*al-zakah*” and “*az-zabeeha*” means, it is permissible to kill the animals as it will make the meat clean and safe to be eaten³.

2.2.2 Technical definition

In the technical sense however, the various school of Islamic Jurists have formulated their own definitions of slaughtering. The following is a discussion of the differed opinions on the definition of slaughtering animal according to the Islamic Law. The Jurist differ as to which of the veins must be cut of.

According to the *Hanafi* and *Maliki* Jurists, during slaughtering, three veins must be slit including wind pipe, oesophagus and jugular vein⁴.

However, according to *Shafi’I* and *Hanbali* Jurists, “*az-zakah*” means both the wind pipe and oesophagus must be slit in order for the animal to be lawful. All the Jurist agree to the point that the place to be slaughtered is the throat and the upper part of the chest⁵

¹ Sayyid Sabiq. 1994. *Fiqh Sunnah*. Mesir: Dar al-Fathul. v2. p.19.

² Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. Dimasyq: Dar al-fikr. v3. p.648.

³ Sayyid Sabiq. 1994. *Fiqh Sunnah*. p. 19.

⁴ Sayyid Sabiq. p.19.

⁵ *ibid*. p.19.

2.3 Evidences from textual sources:

There are various evidences from the *Qur'an* and *Sunnah* require that a halal animal to be eaten must be slaughtered before being eaten. The slaughtering process must follow certain rules and conditions.

Allah almighty says:

حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلِيَ لِغَيْرِ اللَّهِ بِهِ
وَالْمُنْخَنِقَةُ وَالْمَمَّ قُوذَةٌ وَالْمُتَرَدِّيَّةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا
ذَكَّيْتُمْ ... ﴿٣﴾⁶

“Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that which has been invoked the name of other than Allah, that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death, that which has been (partly) eaten by a wild animal, unless you are able to slaughter it (before the animal due to the above causes)”⁷

⁶ Al-Qur'an. Al-Maidah 5:3

⁷ Al-Qur'an. Al-Maidah 5:3. (All Quranic translation in this writing are based on Dr. Muhammad Taqi-ud-Din and Dr. Muhammad Hazim. 2002. *The Noble Qur'an: Interpretation of the Meanings with commentary in the English language*. Islamic University Al Madinah Al-Munawwara: Dar-us-Salam)

In a rigorously authenticated (*sahih*) *hadith* recorded by *Imam Muslim*, the Prophet *Muhammad (p.b.u.h)* said:

عن رافع بن خديج قلت يا رسول الله : إنا نلقى العدو غدا وليس معنا مدى فقال النبي صلى الله عليه وسلم ما أنكر الدم وذكر اسم الله عليه فكلوا ما لم يكن سنا أو ظفرا وسأحدثكم عن ذلك: أما السن فعظم وأما الظفر فمدى الحبشة⁸

“If the killing tool causes the blood to gush out, and the name of Allah is mentioned, then eat (of the slaughtered animal), but do not use a nail (claw) or tooth”⁹

From the above *Quranic* and *hadith* verses, the jurists have deduced, it is necessary the animal’s veins are cut open in a way that the blood streams and gushes out. This is to make sure that the impure elements will be removed from the animal as much as possible.

⁸ Al-Muslim, n.d. *Sahih Muslim. Kitab al-Adohi Chapter Jawaz Al-Zabeha Bi Kulli Ma Anhara Damma.* #1968

⁹ Muslim. *Sahih Muslim. (trans) Al-Mawatta’. Translation in English. Book of Slaughtering Animals.* p.221

2.4 Advantages of slaughtering:

There are some moral aspects and advantages pertaining of animal's slaughtering Islamic way of slaughtering can secure Muslim's health from any harmful disease. This is because, by slaughtering, the blood streams and gushes out from the animal's body, the impure elements are removed and separated from the meat. That blood stream is prohibited to be eaten by Muslim because it contains dirtiness, infections and disease to human's body.¹⁰

Meat slaughtered by Islamic way remains fresh for a longer time due to deficiency of blood in the meat as compared to other methods of slaughtering. Blood is a good media of germs, bacteria, toxins, etc. Therefore the Muslim way of slaughtering is more hygienic as most of the blood containing germs, bacteria, toxins, etc. that are the cause of several diseases are eliminated.

Therefore, eating unslaughtered meat in Islam is render as eating the carcass. It is because by eating the carcass, it may harm the human's brain and body¹¹. The stream blood from unslaughtered meat contains viruses and bacteria that may damages the functions of human's brain.

Proper slaughtering process also affects to the humans soul. As it has a close relationship with the foods and physical sources that acquire by human. According to *Imam Ghazali's* in his popular book entitle "*Ihya' Ulumuddin*" eating the unslaughtered meat may result bad attitude such as; fierce, proud, grudge, and egoistic.

¹⁰Muhammad Umar Chand. 2001. *The Prohibited and the Permitted Foods and Drinks*. n.pl: Zafar Sdn.Bhd. p.177.

¹¹Al-Maraghiy, Ahmad Mustafa. 2001. *Tafsir al-Maraghiy*. (malay trans) Muhammad Thalib. Kuala Lumpur : Dewan Bahasa dan Pustaka. p.231.

Furthermore, eating the unslaughtered meat seems disgust and contradicts with the cleanliness concept and innocent creatures of Allah¹² which naturally love the cleanliness and beautifulness.

Many textual evidences from al-Qur'an and Hadith encourage Muslim to consume a good qualities of foods which do not carry any infections and harmful disease to human's body and mental. Allah Almighty has made humans as the best creation should only eat the best and the cleanest food. Allah The Almighty Says:

... لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ ﴿٤﴾^{١٣}

“Verily, We created man in the best stature and perfect creation”

This *ayat* mentions that human is the perfect creation. As a perfect creation, human has to eat only *halal*, clean and good food.

2.5 Islamic Rules and Regulations Pertaining Slaughtering :

There are three important aspects should be considered in Animal's slaughtering. There are the rules on the slaughterhouse, the animal, and the equipments used during slaughtering.

2.5.1 The conditions of the slaughterer/butcher

The slaughterer should fulfill several conditions before the animal can be accepted as a *halal* meat.

¹² Ibid

¹³ Al-Qur'an. At-Tin 95:4

2.5.1.1 *Baligh* and *Mummayyiz*

The jurists are of the opinion that being *baligh* (attained the age of majority) is one of the crucial conditions. It does not matter if the slaughterer is a man or a woman. It also renders as *halal* even the woman slaughterer is in her menstrual period (*haidh*). The slaughtering of the children or minor is acceptable as long as he is *mumayyiz* (of the age of discernment)

The *Shafi'i* however considers the slaughtering of a child as valid but a dislike act (*makruh*) whereas the majority of *Ulama'* (*jumhur*) says that the slaughtering of a child is not valid as the slaughtering of a drunken or unsound people as they do not have capability to distinguish between a good and a bad think and cannot think wisely. The majority Jurists view that man is more encouraged to be a slaughterer¹⁴

2.5.1.2 The slaughterer must be a Muslim or a People of the Book

Halal slaughter should be performed only by a Muslim or a People of the Book who is of sound mind, mature and who fully understands the fundamentals, rules and conditions related to the slaughter of animals in Islam. As Allah says:

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ
لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ ... ﴿٥﴾

Made lawful to you this day are Ay-Tayyibat (all kinds of halal foods) which Allah has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits). The food of the people of the

¹⁴ Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. v3. p.652

¹⁵ Al-Qur'an. Al-Maidah 5:5

Scripture (Jews and Christians are lawful to you and yours is lawful to them”

The majority of Jurists accept the slaughterer from *Ahl al-Kitab*. However, the *Malikis* jurists are of the view that the slaughtering of *Ahl al-Kitab* is considered as *makruh* to the animals that unlawful for them such as camels and fats¹⁶ as Allah Almighty says:

وَعَلَى الَّذِينَ هَادُوا حَرَّمْنَا كُلَّ ذِي ظُفْرٍ وَمِنَ الْبَقَرِ وَالْغَنَمِ حَرَّمْنَا
عَلَيْهِمْ شُحُومَهُمْ إِلَّا مَا حَمَلَتْ ظُهُورُهُمْ أَوِ الْحَوَايَا أَوْ مَا اخْتَلَطَ
بِعَظْمٍ ذَلِكَ جَزَيْنَاهُمْ بِبَعْضِهِمْ وَإِنَّا لَصَادِقُونَ ﴿١٤٦﴾

“And unto those who are Jews, We forbade every (animal) with undivided hoof, and We forbade the fat of the ox and the sheep except what adheres to their backs or their entrails, or is mixed up with a bone.”

The word “*Ahl al-Kitab*” is referring the Jews and Christian. It means that, the slaughtering of the *Ahl al-Kitab* who believe and obey all rules in *Taurat* and *Injil* is considered as *halal*.¹⁸ However, the non-Muslim do not have any holy book and worship fetish such as *Majusi* or converted person are not regarded as *Ahl al-Kitab*.¹⁹

2.5.1.3 Qasad or intention to slaughter in the cause of Allah

The slaughtering should be together with the intention or *qasad* for the sake of Allah. There are two opinions with regard to the slaughtering of the animals with intention to Allah. The first view says that such a slaughtering without an intention of Allah is render as lawful if the animal is slaughtered by the *Ahl al-Kitab*. Among those

¹⁶ Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. v3. p.652

¹⁷ Al-Qur'an. Al-An'am 6:146

¹⁸ Al-Maraghiy, Ahmad Mustafa. 2001. *Tafsir al-Maraghiy*. (malay trans) Muhammad Thalib. p.231.

¹⁹ Dr. Kamil Musa. 1996. *Ahkam Al-At'imah Fi Al-Islam*. Beirut ; Dar al-Bashar al-Islamiyyah. p. 95.

who say that it is valid are from the majority of *Fiqh Scholars* including 'Ata, Qasim Ibn Mukhaimarah, Zahri, Rabee'ah and Makhool.

The Ulama' who are of the view that the slaughtering with intention to other than Allah is not valid are *Saidina Ali, Saidatina Aisyah, Ibn Umar, Abi Darda and Ubadah Ibn Thabit*²⁰. This view is according to the verse:

٢١ ﴿١٢١﴾ وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ

“Eat not (O believers) of that (meat) on which Allah’s Name has not been pronounced (at the time of the slaughtering of the animal), for sure it is *fisq* (a sin and disobedience of Allah)”

2.5.2 The conditions of the animal to be slaughtered

Animals to be slaughtered can be divided into two categories. The land animals and sea creatures.

2.5.2.1 The land animals

There are three types of land animals. Firstly, animals do not have blood like grasshopper, flies, ants, bees, spiders and cockroaches. These animals or insects are *haram* to be eaten except the grasshopper. The rests are considered as dirty living. As Allah says:

٢١ ﴿١٥٧﴾ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ ...

²⁰ Ahmah H.Sakr. 1991. *Ramuan Makanan Islam (Edisi Melayu)*. Kuala Lumpur : Dewan Bahasa Dan Pustaka. p. 35.

²¹ Al-Qur'an. Al-an'am 6:121

²² Al-Qur'an. Al-A'raf 7:157

“...and prohibits them as unlawful *Al-Khabaith* (all evil and unlawful as regards things, deeds, beliefs, persons and foods)...”

Second category is the animals with blood but not streaming such as rats, snakes, flea and so on. These animals are *haram* to eat because they may contain poison and viruses. Muslim is encouraged to kill this kind of animals.

The last category is the animals that have the blood with streaming whether wild or tame animal. The majority of Jurists is in the opinion that the tame animal is lawful for eat while the wild is not because their meat may endanger humans body. The tame animals are camels, cows, goats and others. As Allah Almighty says:

٢٣ وَالْأَنْعَامَ خَلَقَهَا لَكُمْ فِيهَا دِفْءٌ وَمَنْفِعٌ وَمِنْهَا تَأْكُلُونَ ﴿٥﴾

“And the cattle, He has created them for you; in them there is warmth (warm clothing) and numerous benefits, and them you eat.”

The word a cattle in this verse is referring to the cattle or tame animals such as stated above.

All land animals are *halal* except the following; animals that are not slaughtered according to the Islamic Law such as pigs and dogs or their descendants, animals with long-pointed teeth (canines or tusks) which are used to kill preys such as tigers, bears, elephants, cats, monkeys etc. All predatory birds, animals that are decreed by Islam to be killed such as mice, scorpions, crows, eagles, and mad dogs, animals that are forbidden to be killed such as bees, ants, spiders, woodpeckers etc, creatures that are considered dirty by the public such as lice, flies etc, animals that live both on land and in water

²³ Al-Qur'an. Al-Nahl 16:5

(amphibians) such as crocodiles, turtles, frogs, seals etc. Also the animals that have been treated (excluding feeding) with any product derived from non-*halal* sources.²⁴

2.5.2.2 The sea creatures / The Aquatic animals

Aquatic animals are those which live in water and cannot survive outside it, such as fish²⁵. All aquatic animals are *Halal* except those that are poisonous, intoxicating or hazardous to health.

There are two opinions among Islamic jurist whether the sea creatures can be eaten without slaughtering. According to the *Hanafi* jurists, all kinds of animals in the sea are unlawful to be eaten except fish. However, if the fish die and floated, it is unlawful to be eaten²⁶. Their view based on the *Qur'an* verse:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ ... ﴿٣﴾

“Forbidden to you (for food) are: Al-Maitah (the dead animals-cattle-beast not slaughtered)”

Allah Almighty also says:

وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ ... ﴿١٥٧﴾

“...and prohibits them as unlawful Al-Khabaith (all evil and unlawful as regards things, deeds, beliefs, persons and foods)...”

²⁴ Hayati Hayatuddin. Jan/Feb 2005. “Agriculture:Halal Animal”. *The Halal Journal*. Kuala Lumpur. p.43

²⁵ Dr. Yusof al-Qardawi. 1993. *Al-Halal Wa Al-Haram Fi Islam*. p. 780.

²⁶ Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. v3. p. 780.

²⁷ Al-Qur'an. Al-Maidah 5: 3

²⁸ Al-Qur'an. Al-A'raf 7:157

The dirty and soiled things defines by *Dr. Yusof al-Qardawi* are the things that clear the dirtiness and unhygienic of the look and tasty includes frogs, snakes, others.²⁹

Second view is, the opinion the majority of Jurists except the *Hanafis* saying that the sea creatures can be eaten without slaughtering and disregarding on how the animals die. However, if the animals died flatulent and floated, it may cause poisonous and will render it *haram* for eating or consumption³⁰. The Prophet Muhammad (p.b.u.h) says:

عن ابن عمر أن رسول الله صلى الله عليه وسلم قال احل لنا من الدم دمان ومن الميتة

ميتتان الحوت والجراد ومن الدم الكبد والطحال³¹

“Narrated from Ibn Umar that Prophet said Muslim is permitted and permissible to eat two kind of carrion and two kinds of blood; the carrion is grasshopper and fish. The bloods are the liver and spleen”³²

2.5.3 The conditions on the tools and equipments

The majority of Jurists deduce that any tools that are able to slit the veins and stream blood whether it designed from the iron substance, stone, blade, or glass are permissible to use during slaughtering³³

However, the tools mentioned above must be in caustic and not blunt so it will ill-treat the part of the animals. There are also differed opinions among Jurists regarding tooth, nail and bone. The *Hanafi* and *Maliki* jurist are the opinion that, five conditions should be fulfilled during slaughtering animals.

²⁹ Dr. Yusof al-Qardawi. 1993. *Al-Halal Wa Al-Haram Fi Islam*. Kaheerah: Maktabah Wahbah. p.44.

³⁰ Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. v3. p.780.

³¹ Al-Daruqutni. Sunan. *Kitab Al-Syurbah wa Ghairiha*. Bab Al-Saiyidu wa Al-Zaba’hu. #5

³² Al-Daruqutni. Sunan (trans) Al-Mawatta’. *Translation in English. Book of Slaughtering Animals*. p.222

³³ Al-Zuhaili, Wahbah. 1989. *Fiqh Islami Wa Adillatuhu*. v3. p.675.

The first condition is the animal has to be slaughtered with a sharp object (knife) and in a fast way so that the pain of slaughter is minimized.

Secondly, the Cut wind pipe, throat and vessels of neck must be cut. *Zabiha* is an Arabic word which means 'slaughtered'. The 'slaughtering' is to be done by cutting the throat, windpipe and the blood vessels in the neck causing the animal's death without cutting the spinal cord.

The third condition is the blood should be drained. The blood has to be drained completely before the head is removed. The purpose is to drain out most of the blood which would serve as a good culture medium for micro organisms. The spinal cord must not be cut because the nerve fibres to the heart could be damaged during the process causing cardiac arrest, stagnate the blood in the blood vessels.

Forthly, the animal does not feel pain. The swift cutting of vessels of the neck disconnects the flow of blood to the nerve of the brain responsible for pain. Thus the animal does not feel pain. While dying, the animal struggles, writhers, shakes and kicks, not due to pain, but due to the contraction and relaxation of the muscles deficient in blood and due to the flow of blood out of the body.

Lastly, the slaughtering implements, tools and utensils must be utilized only for the slaughter of *Halal* animals. The slaughtering implement or tool has to be kept sharp in all times.

2.6 The Traditional methods used by Muslim

The Islamic method of slaughtering is the ideal one. It is conducted with utmost mercy on the part of the slaughterer, and minimum pain and suffering on the part of the animal. Several principles should be observed during slaughtering either when applying the manual or traditional methods.

2.6.1 Part of the veins that must be cut

Majority of the Jurist agree that the place to be slaughtered is the throat and the upper part of the chest.

However, there are different opinions among the jurists on the veins that must be cut. According to the *Hanafi* and *Maliki* Jurist, during slaughtering, three from the four veins must be slit among two wind pipe, oesophagus and jugular vein.

However, according to *Shafi'I* and *Hanbali* Jurist, both the wind pipe and oesophagus must be slit in order for the animal to be lawful. This is because those veins are the end of the animal's life.

2.6.2 Slaughtering in the short period of time

Muslims are encouraged to complete the slaughtering process as fast as they could to shorten the pains. In contrast, if the process of slaughtering took a longer period, the animal's meat is render cannot be eaten³⁴.

³⁴ Al-Zuhaili, Wahbah. p.663.

2.7 Summary

Slaughtering means good things and killing the animal for their meat. Muslims are required to slaughter the *halal* animal before the meat can be eaten

Muslim can consume food that is slaughtered properly according to the Islamic Law. The animals should be slaughtered as slaughtering is believed will bring many benefits and advantage to the eaters.

There are three aspects should be observed during slaughtering. There are the conditions of the slaughterer, the animals and the tools or equipments which must follow the *Hukum Syarak* in order to make the meat are *halal* to be eaten.

It is noteworthy that Islam has enjoined kindness and mercy to animals even when slaughtering them. Islam made it clear that the animal should be made comfortable and slaughtered in the least painful way.

CHAPTER THREE: THE APPLICATION OF MODERN METHODS OF ANIMAL'S SLAUGHTERING IN MALAYSIA

3.1 Introduction

In Islam, the animals to be slaughtered must be animals that are *halal* and can be eaten by Muslims such as chicken, lamb, and cow. Only animals and poultry that fulfill the conditions will be allowed for slaughtering. The Methods of animal's slaughtering regarding to the Islamic rulings are same with the traditional methods applied by Malaysian Muslims as offered every *Eid ul Ad'haa* in remembrance of Prophet Ibrahim's sacrifice in complete trust and submission to Allah (swt). However, this common method is not suitable for the modern process of meat production which involving more than thousand animals or poultry every day. Therefore, stunning of animals prior to slaughter that introduced by the western countries like New Zealand are carried out in Malaysia nowadays.

The Stunning was initially started in England in the early 20th century by a council under the Lord Lee of Farnham. Today, the stunning systems are in use in many countries all over the world including Islamic countries such as Saudi Arabia³⁵

In Malaysia, Stunning of animals prior to slaughter is permitted according to the declaration of the Malaysian National Fatawa Council in 24th November 1988 and shall be in accordance with the requirements below:

1. Three types of stunners shall be used to stun the animal, namely electrical, mechanical or pneumatic stunner.

³⁵ R.C Tyson. (n.d). *Sheep and Cattle: an Overview*. Jarvis Equipment (N.Z) Ltd.

2. The use of the stunning equipment shall be under the control of a Muslim supervisor or a trained Muslim slaughter or *Halal* certification authority at all times.
3. The animal should only be stunned temporarily. The stunning should not either kill or cause permanent injury to the animal.
4. Gadgets that are used to stun pigs shall not be used to stun animals for *Halal* slaughter³⁶.

3.2 The Stunning System

3.2.1 The History

In western, the stunning system was originally introduced to protect abattoir personnel, rather than the animals themselves. The idea was to immobilize the animal to facilitate the killing procedures. However, the principle of stunning has now evolved to encompass the idea that animals should be rendered unconscious before they are slaughtered.

The first system, the Automatic Sheep Stunning System and the Cattle Stunning System or as known as The Jarvis System was introduced in 1930s by Jarvis Equipment (New Zealand) Ltd from the study carried by the Meat Industry Research Institute of New Zealand (MIRINZ) in 20 years research towards sheep and from 1980 towards cows.

³⁶ Malaysia. 1988. *Stunning System*. Declaration of the Malaysian National Fatawa Council. 28 November.

The Jarvis stunning system designed for the slaughtering process involving poultry and horned animals. The equipments are commonly used by any person. It was govern by the Slaughter Houses Act 1974 and Slaughter of Poultry Act 1967³⁷.

In Malaysia, it was introduced in the late of 1980 and only used for the cows slaughtering. Nowadays, there are 24 slaughter houses in Malaysia conducted by the Department of Veterinary Services. The other Malaysian religious authorities will have to conduct the original inspection and certification of the facility with routine follow-up inspections such as the Department of Islamic Development, Malaysia (JAKIM) under the provisions of the Trade Description Act 1972 and Animal Rules 1962 to ensure these slaughter houses shall be in accordance with the requirements and manner prescribed. It is important to avoid any speculations and confusions among Malaysian Muslims upon the meat production. Furthermore, it is to guarantee the *halalness* and quality of the meat result of stunning.³⁸

3.2.2 The JAKIM's Roles³⁹ and Regulations⁴⁰

JAKIM's members have played their role in various efforts such as, the JAKIM's *halal* guidebook, a local communication arts company, on *halal* food and beverage outlets in Malaysia. It is concluded that more than 90 per cent of the companies listed in publications are either multi-nationals or non Muslim.

Recently, JAKIM launched *e-halal* program where the consumer may check on the product's status whether it's *halal* or not from website and short message system (SMS). The website's address, halaljakim.com is helping Muslims find market and

³⁷ R.C Tyson. *Electrical Stunning on Sheep and Cattle: an Overview*. p.6

³⁸ Department of Veterinary Services. 1993. *Inspectors News*. Kuala Lumpur. Unit Pemeriksaan Veterinar & Keselamatan Makanan. p.133

³⁹ Lokman Ab. Rahman. 2006. "Peranan JAKIM". *Interview*. 18 January. Zulkefli Mohammad. Jan/Feb 2005. " Muslims & The halal standard". The Halal Journal. Kuala Lumpur. P.36

⁴⁰ n.a. 20th February 2006. Unit Makanan & Gunaan Islam. "JAKIM's Regulations" <http://www.islam.gov.my>. p.1

restaurant with *halal* products, prepared according to Islamic dietary law. Halaljakim.com is a free, searchable listing of *halal* markets and restaurants .On this site; readers are invited not just to rate *halal* establishment, but to verify their authenticity. Whereby, via SMS consumers may check the product by sending a code bar of the product to JAKIM and JAKIM will reveal whether the product is approved labeling *halal* by JAKIM or not. It means, consumers may confirm their confusions towards some product wherever they are, even in the supermarket.

The electrical stunner should be of the type allowed by the government / Islamic authority in charge of slaughter and shall be in accordance with the regulations below:

- i. A low and controlled voltage must be used so that the stunning will not damage the heart and brain or cause physical disability and death to the animals. The voltage of current used should be controlled by the Halal certification authority.

Num	Animals	Voltage(Amps)	Duration(second)
1	Chicken	0.25-0.5	3.0-5.0
2	Lamb	0.5-0.9	2.0-3.0
3	goat	0.7-1.0	2.0-3.0
4	Sheep	0.7-1.2	2.0-3.0
5	Calves	0.5-1.5	3.0
6	Steers	1.5-2.5	2.0-3.0
7	Cow	2.0-3.0	2.5-3.5
8	Bull	2.5-3.5	3.0-4.0
9	Buffalo	2.5-3.5	3.0-4.0