

'URF: APPLICATION HALAL ANIMAL SLAUGHTER PRACTICE

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Abstract: Islamic law receive development and vulnerable to changes, especially about certain legal issues that need to be clarified based upon particular needs and circumstances of the time. The practice of slaughtering animals that have been changed from the conventional method to be a technique that is more modern in which the method of slaughter by using the machine and method of slaughter others have been used to accommodate requests and ensure the quality of meat that is halal and *thayib*. However, these modern practices have raised concerns in terms of its legal decisions, because the issue is not discussed and decided in the classical manual of Islamic law *'Urf* is one of the legal methods used to obtain legal decisions relating to certain legal issues, is flexible because it reflects the circumstances and practices of people in one place and a certain time. This study uses a qualitative approach. The method used in this research is descriptive analysis. Sources of data in this study came from books, journals and interviews with informants related to *'urf* as a method of Islamic law in implementing the practice of halal animal slaughter. From the results of the study can be obtained conclusion that one of the methods that can be used to determine the legal status of Islam associated with the process of halal animal slaughter, especially on the final result of halal meat products is *'urf*. *'Urf* is considered an appropriate method of Islamic law and is related to halal slaughter of animals, as far as animal slaughter is concerned it will involve changes in the methods that have been used.

Keywords: Urf; Islamic Law; Animals; Halal.

INTRODUCTION

Islam has regulated how to slaughter animals by paying attention to animal welfare (Hendri Saparini, Akhmad Akbar Susanto 2018). The practice of slaughtering animals that have been changed from the conventional method becomes more sophisticated techniques where machines and methods of slaughter others have been used to accommodate requests and ensure the quality of the meat better. However, these modern practices have caused confusion in terms of legal decisions, because the issue is not discussed and decided in the classical manuals of Islamic law. It is therefore not surprising that some Muslim consumers refuse to take the product because the legal status of the product is unclear.

This issue needs to be clarified and special legal decisions need to be made not only to ease the confusion among individual consumers but also to preserve the *maslahah ummah*. At this point, the role of Islamic law is important to ensure sustainable business development and management of the halal industry. Halal is a new problem that has arisen concerning the social, political and economic environment of Muslims. Based on the legal maxim that the original verdict was that everything was permitted. Islamic law receive development and vulnerable to changes, especially about certain legal issues that need to be clarified based upon particular needs and circumstances of the time.

Meanwhile, the factors that encourage the development of halal industry management are due to the growth of the Muslim population which is expected to increase by three billion worldwide as well as the increasing consumer awareness of halal products. This leads to positive development of halal products to meet market needs. At this point, halal products include food and non-food consumption products, and services and non-service products. With the advancement of science and technology, the food and beverage sector has undergone a radical change, in terms of processing, from conventional techniques to more modern and sophisticated methods to meet needs and demands.

'*Urf* is one of the legal methods used to obtain legal decisions relating to certain legal issues, it is flexible because it reflects the circumstances and practices of people in a certain place and time. As places and times change, laws must also change to have an effect on existing norms and social behavior. It is at this point that Islamic law develops and accommodates the needs of society. In the classical manuals of Islamic law, '*urf* is defined as a custom commonly practiced in society. Ibn Manzur defines '*urf* as a matter of common knowledge, synonymous with the term *ma'ruf*, which means good action.

Thus, we can see that '*urf* has an important role in Islamic law. According to Abu Sunnah, there are many rules of Islamic law in the classical manuals of Islamic law which have been summed up through the dynamic instrument of '*urf* (Abu Sunnah 2004). Due to its flexibility, '*urf* is considered the most useful method for determining legal decisions because it reflects the needs of today's society. In this context, al-Shatibi emphasized that in order to ensure that certain legal decisions reflect human actions, it will depend on from the community or the general actions of the people in that area. This is because the legal decisions issued must be practical for the community so that they can achieve the goals of sharia (*maqasid sharia*). According to al-Zarqa, the reason Sharia recognizes '*urf* as a method of legal deduction is because of the needs of society (Al-Zarqa 1998). At this point, Islam considers the needs of the community, as long as it does not conflict with sharia principles. Having been able to meet the needs of society, it shows that the sharia system is very flexible for all human beings at any time and situation.

While on the other hand when the halal industry develops, there are also issues that arise related to the sharia status of the product. This is due to the development of these halal products through the use of modern science and technology. In connection with this, the rapid development in science and technology is the main cause of the unclear status of Sharia products (Mohammad Aizat, J., Mohd Anuar, R., Suhaimi, M. and Mahmood Zuhdi 2012). According to him, with the development of science and technology, the way the food industry is operated has also changed where processing methods no longer depend on conventional methods but have developed through the incorporation of artificial or synthetic materials.

At another point, the issue of the product's sharia status also arises when the product is imported from non-Muslim countries. This raises the question of whether the product is really halal because it can contain haram ingredients (Nurul hidayah, AF, Yaakob, C. M, Mohammad Aizat, J, Suhaimi, AR 2012). Thus, the problem of product halalness today does not only revolve around the final product but also the process. At this point it is very important to clarify the status of Islamic products. So problems such as genetically modified

food, use of artificial or synthetic ingredients in food products and modern handling of halal slaughtering animals can be solved through the use of *ijtihad*. At this point, *'urf* as part of the *ijtihad* process can also be used as a reference in obtaining new legal decisions relating to specific issues that arise. The main purpose of this study is to explore the *'urf* as part of the Islamic legal method in implementing the practice of halal animal slaughter.

METHOD

This study uses a qualitative approach. The method used in this research is descriptive analysis. Descriptive analysis is organizing data, breaking it down into units, synthesizing it, arranging it into a pattern, choosing what is important and what will be studied and making conclusions that can be explained. In qualitative research the methods that are usually used are interviews, observation and use of documents.

RESULTS AND DISCUSSION

The Rule of Islamic Law and the Development of the Halal Food Industry

The halal food industry is projected to become a new economic engine in various countries. With the growth of global halal market is stable, estimated the value of trade of products of food halal worldwide will be worth USD 1,1 trillion. There are many reasons why many factors have contributed to the growth of the worldwide halal food market, the most important of which are the growing Muslim population and increasing consumer awareness. The Pew Research Center has reported that the world's Muslim population has been increasing positively from year to year where it is considered to be the world's largest population (Forum 2012). In addition, according to the news agency *Cable News Network* (CNN), the Muslim population will grow by about doubling in size which will include more than a quarter of the world's people.

Based on an analysis report on major religious groups in 2010, about 1.6 billion of the 6.8 billion people living on earth in 2009 were Muslims representing 23% of the total people worldwide. With this positive information, it is hoped that the halal food industry will grow in accordance with positive expectations. The role of communication from the mass media in disseminating information about halal food issues is also very important in the development of the global halal industry. In this case, mass media communication will help in increasing consumer awareness about products that are suitable, good and halal for consumption. The mass media have also played an important role in disseminating information about goods and services that have been misunderstood for consumers. For example, there are restaurants that have not been certified halal but include a halal logo on the restaurant. In short the role of the media is very important not only to increase consumer awareness but also to develop the halal food industry globally.

In fact, Islam is a religion that gives full attention to the needs of its followers as long as it does not violate what has been enshrined in the revealed texts. By accommodating the needs of society as a whole, this shows that the prominent feature of Islamic law is that it is very flexible in that it applies to all human beings at all times and with situations by taking care of their mutual interests as long as these interests do not conflict with the requirements of Islamic law.

The Relationship between the 'Urf and the Slaughter of Halal Animals in the Modern Era

The new method of slaughtering animals creates new sharia law problems that need to be solved to preserve the ummah's maslahah. At this point, the slaughter of halal animals in the modern era is considered as part of the factors that contribute to the development of the halal industry. As mentioned above, global market prices for industrial halal now has reached 3,1 billion USD and Muslims should take a chance in the kosher business. If the slaughtering problem can not be resolved and there is no way out, it is feared that the opportunity will be taken by someone else.

Slaughter refers to the practice of killing animals for food consumption. According to Ibn Manzur, slaughter is also known as *al-tazkiyyah* which means completeness. There are three types of animal slaughter. The *first* is *al-nahr*, which is cutting the neck of long-necked animals such as camels, giraffes and attaching to one part of the animal's body such as horses. The *second* is *al-labbah*, namely cutting the lowest part of the neck between the neck and chest. And the *third* is *al-zabh*, namely the cutting of halqum, mari' and wadajain from an animal. The purpose of slaughter is to make an animal permitted for consumption by Muslims. There are five sharia conditions that must be met and observed to make the meat of the slaughtered animal halal consumed for Muslims. The *first* is the intention (intention for Allah SWT), the *second* is that the slaughterer (slaughterer) must be a Muslim, the *third* is that the animal must be legal and alive (*hayat mustaqirrah*), the *fourth* is that sharp tools are permitted, except for nails and teeth and the *fifth* is the place for slaughter.

The practice of slaughtering animals has experienced a rapid growth from traditional methods to more sophisticated methods. Animal slaughter methods have evolved from small scale in public areas such as backyards to larger scale in modern centralized slaughter houses (Fitzgerald, Amy J 2010). Apart from this, animal farmers no longer use traditional methods but have adopted new and more sophisticated methods especially in terms of slaughter equipment, including the shift from traditional to mechanical slaughter, this is due to the continuous demand from consumers for meat and this has lead to the need to increase meat production.

Apart from market demand, developments in the practice of slaughtering animals are also believed to minimize the process of handling animal rearing, reduce costs, reduce time constraints and to protect *animal welfare*. At this point, it is further that developments in terms of abattoir will not stay that way because technology is indeed changing and evolving to make life easier and preserve meat in good quality. The development of animal slaughter is of course will affect the *status quo* of Islamic law. Law needs to be responsive and progressive to accommodate human needs. The practice of stunning which makes animals unconscious before being slaughtered for later use as food ingredients is widely adopted by most industrialized countries. It is believed that such adoption began in the West in the early 20th century (Bergeaud-Blacker 2007). There are 4 (four) types of stunning livestock before slaughter (*stunning*) which includes:

1. *Captive Bolt Stunning*. This type of *stunting* uses a tool that can enter the head of the animal to be slaughtered and then the tool is pulled back. *Stunning* aims to eliminate the awareness of the animal to be slaughtered.

2. *Electric Stunning*. *Stunning* type is often carried out on poultry that is by way of using a low-power electricity that has certain restrictions for each type of poultry to be slaughtered. *Stunning* with this type uses a low-power electric current that can be used for halal slaughter because it is not lethal to poultry.
3. *Mushroom-Shaped Hammer Stunner*. This type of stunning is used on farm animals. In some countries, this type of stunning is more acceptable than *Captive Bolt Stunning*, because it is not too painful or torturous for the animal.
4. *Carbon Dioxide Stunning or Gassing*. Using gas to stun animals is basically the same as strangling but using chemicals. Therefore, this method is not recommended because it tortures animals.

In various countries, the practice of stunning has been adopted and it is highlighted in the World Halal Standards. Due to the new method of slaughter, it has attracted controversy among Muslims. In 1988, the Fatwa Committee of the National Council of Malaysia, issued a decree that electricity and water were permitted for the slaughter of cows and chickens, respectively. The Council has further issued that *pneumatic-percussion* stunning is also permissible provided that the animal's skull is not fractured and the animal dies from slaughter. In 1997, *Majma 'al-Fiqh al-Islami* in its 10th (tenth) meeting in Mecca has decided that electric shock is also permissible as long as the animal is still alive even though the electric shock process has a painful effect on the animal.

While mechanical slaughter is the practice of slaughtering using a rotating knife to cut the throat of small animals, mostly birds and chickens. Before the slaughtering process takes place, the bird or chicken will go through a water bathing technique. The role of humans is only as an operator to turn on and off the machine button to start the slaughtering process. This also invites a number of controversies regarding the halalness of the slaughtered birds or chickens because the slaughtering process is carried out by machines alone, not by humans.

Islamic jurists have mixed opinions on this matter. The first group argues that the practice should be avoided and the slaughtered bird or chicken is not considered halal because the act of cutting the throat is not carried out by humans but machines and no proper intention is made (Brunei 2000). However, the second group argues that the practice is permissible and the slaughtered bird or chicken is lawful for consumption (Jeddah 2012). This is because the throat is cut properly and there is a need.

In connection with this it is proposed that the '*urf* mechanism should be able to solve the problem because it is flexible and applies to all types of people through different times and places. Indeed, these new practices of halal animal slaughter can be considered as a new '*urf* because most of the industry players as well as scientists accept the method to be the most practical technique for now. It is undeniable that due to the increasing demand and the development of science and technology in the halal food industry, especially meat, it has been legally approved for the application of the method.

Moreover, this method has not been proven to be against the principles of Islamic law except curiosity about the death of the animal at the time of slaughter. Islam is a religion that will not burden its adherents. At this point Allah says, "*He has chosen you and not to burden you with difficulty in religion*" (Qur'an 22: 78).

With the validity of *'urf* this method is acceptable, as long as the practice does not conflict with the main principles of sharia and the animal does not die before the slaughtering process occurs. It should be noted at this point that the validity of *'urf* is not only based on the practice of the Muslims but also to preserve the *maslahah* of the ummah. In a Muslim-majority country, it is stated that the Muslim community needs around 725,000 chicken pieces per day. With this large number of requests for chicken pieces, one may want to ask how to accommodate the demand if the practice of slaughtering is still using conventional methods. What about the larger animals that require a lot of energy in the slaughtering process. What about the state other has a larger Muslim population, and how Muslims living in western countries who adopt *stunning* due to legal requirements such as in European countries. All this needs to be taken into account when legal decisions relating to modern abattoir practices are to be deduced.

Although some countries not accept the modern practice of animal slaughter, Muslims in other countries still eat meat that is processed through these practices. This may be due to the general acceptance of such practices as *'urf* or it may be based on the *maslahah* argument. At this point, *'urf* plays an important role in determining the Islamic legal status of the problems that arise. With *'urf*, then the law is developed in which the classical rules can be replaced with new legal decisions that are practical and accommodating for the community.

CONCLUSION

The lifestyle of modern society is more complex and much different from the lifestyle of people in the past. This is due to the development of science and technology that develops from time to time. As far as halal is concerned, there has been a lot of development that has been made due to developments in science and technology. These include developments in the practice of slaughtering animals which raise many questions regarding the legal status of Islam on meat that has been processed through modern slaughter practices. At this point Islamic law must respond to this problem because it does not only concern the halal status but also the ummah's *maslahah*. One method that can be used to determine the status of Islamic law related to the process of slaughtering halal animals, especially in the final product process in the form of halal meat products, is *'urf*. *'Urf* is considered as a method of Islamic law which is appropriate and related to the slaughtering halal concerning the slaughter of animals, it will involve a change in the methods that have been used. The traditional method has been changed to modern techniques that include *stunning*, sticking the chest (*thoracic sticking*), and mechanical slaughter. This change is considered a necessity because it is a need to accommodate the needs of Muslim consumers for halal meat. As long as this technique does not violate the main principles of Islamic law, this technique is permissible and can be considered as the new *'urf*.

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