



Halal ***pages***

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INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
يُؤَيِّدُ وَيُضَمِّنُ لِيَسْلُوكَ الْإِسْلَامَ تَجَدُّدًا بِمَقَرِّدَتِنَا

HALAL INDUSTRY
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Halal pages

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TM INFO-MEDIA SDN BHD – PUBLISHER

Chief Executive Officer Nasaruddin bin Mohd Zaini
Head of Business Strategy & Marketing Jimmy Yong
Head of Sales Eric Chew

PRODUCTION TEAM

Joint Editorial Team

Assoc. Prof. Dr. Hamzah Mohd. Salleh
 Jamal Abdul Nasser Zainal Abidin
 Abdul Rahim Ahmad
 Ahmad Md Redzuan
 Asma Nasaruddin
 Mazidah Ramli
 Yusroyka Karim

Technical Support Designer

Concept and Design TM Info-Media Sdn Bhd (178079-D)

Ground Floor, Block E,
 Mines Waterfront Business Park,
 No. 3, Jalan Tasik,
 Mines Resort City, 43300 Seri Kembangan,
 Selangor.

Tel: 03-8949 8228

Fax: 03-8949 8338

Email: help@yellowpages.com.my
 www.yellowpages.com.my

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 Cheras Jaya,
 43200 Cheras,
 Selangor

ADVERTISING OFFICES

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The Importance Of Halal In Islamic Law And Muslim Life

Fundamental Principles and Cardinal Values Pertaining to Human Welfare



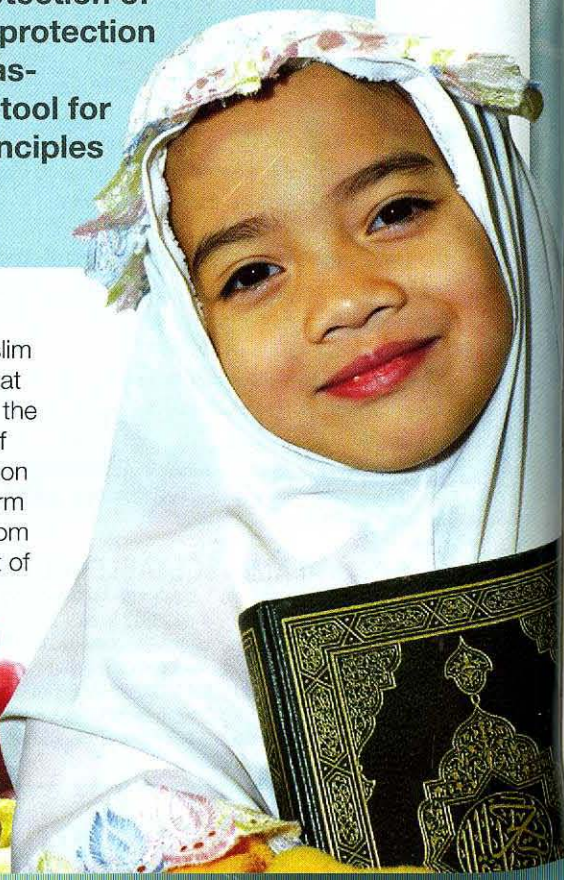
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Islamic law consists of five main legal rulings (*hukm*) namely obligatory (*wajib*), prohibited (*haram*), recommended (*mandub*), reprehensible (*makruh*) and permissible (*mubah*). Indeed, the legal rulings which governed Muslims' lives were intended to achieve the objectives of Shari'ah (*maqasid as-Shari'ah*). The objectives of the Islamic law consists of the protection of religion, protection of life, protection of mind, protection of lineage and protection of property. Thus, the Maqasid as-Shari'ah has been an important tool for formulating the fundamental principles cardinal values pertaining human welfare.

We can say that Islamic law or the legal rules are regulated to ensure the basic necessities of the population are in place and the sanctity of life is safeguarded through the general concept that people should be protected against harm and evil. In fact, all objectives of the Islamic laws evolve around man's interest in this world and in the hereafter. In this article, we will concentrate on the principle of halal and its importance in Muslims' lives.

One of the obligations upon a Muslim is that he earns and consumes what is pure and halal. References from the Holy Qur'an and hadith (sayings) of Prophet Muhammad (peace be upon him), clearly indicates in definite term that consuming halal is an order from Allah (God) and is an essential part of the Islamic faith.





"O mankind, eat from whatever is on earth (that is) lawful and pure."

(Quran, Surah al-Baqarah:2 verse 168)

"O ye who believe, Eat of the good things wherewith we have provided you, and render thanks to Allah, if it is He whom ye worship."

(Quran, Surah al-Baqarah:2 verse 172)

"Halal is clear and the Haram is clear. Between the two are there are doubtful matters concerning which people do not know. One who avoids them in order to safeguard his religion and his honour are safe, while if someone indulges in it, He may be indulging in the unlawful..."

(Sahih Bukhari)

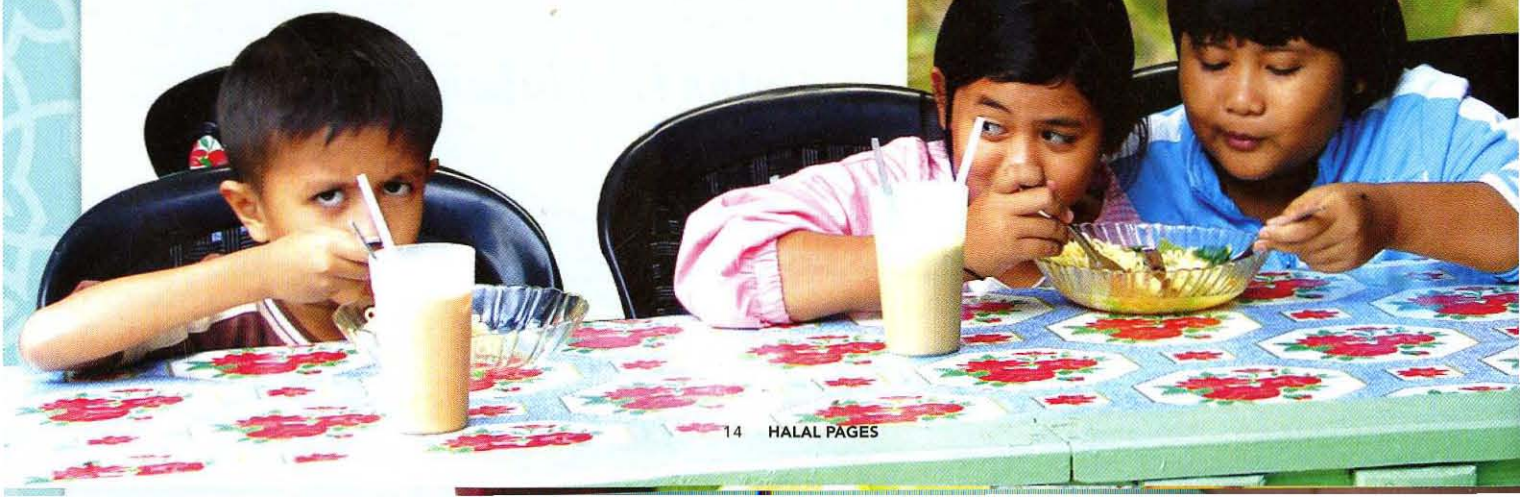
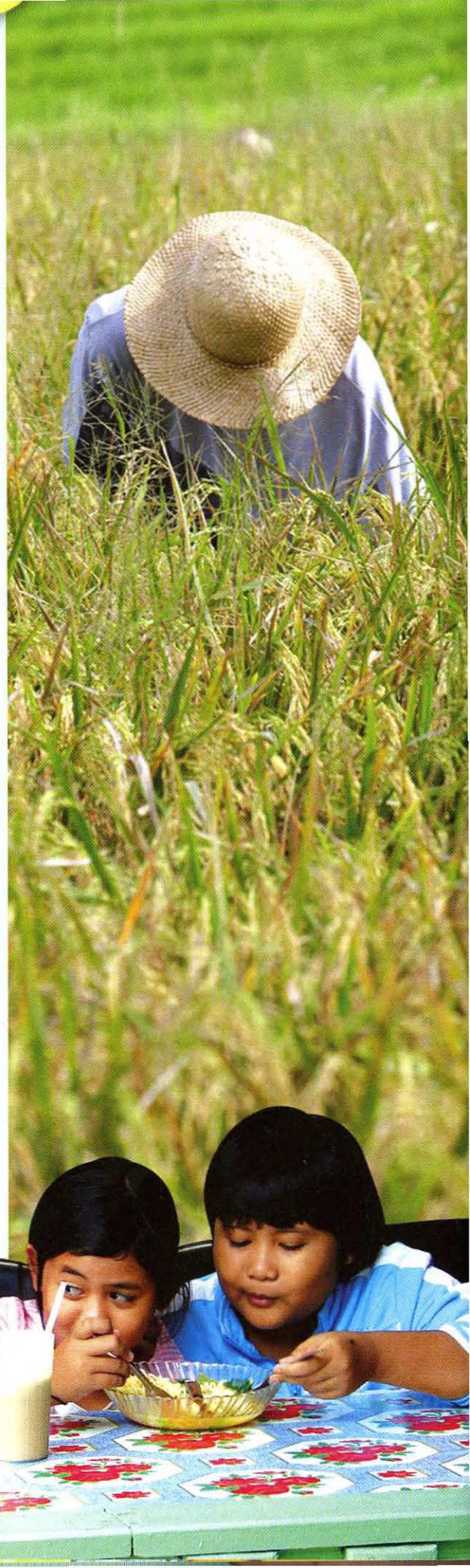
"A body nourished with haram will not enter Jannah (paradise)"

(Sunan Baihaqi)

This divine texts and hadiths are clear attestation to Islam's disapproval of consuming something which is unlawful (haram).

The rulings of halal and haram should be done by referring to the primary authentic sources of Islamic law: the Qur'an and al-Sunnah (traditions of Prophet Muhammad). Secondary sources such as ijma' (the consensus of Muslim jurists) and qiyas (analogical reasoning) are also important in Islamic law.

Halal is an Arabic term which means lawful and the opposite to halal is haram, which means unlawful or forbidden. Halal is defined as an act, object or conduct over which the individual has the freedom of choice and its exercise does not carry either a reward or punishment. While haram means all that which the Lawgiver (Allah) has prohibited in definitive terms, and its perpetrator is liable to a punishment in this world or the Hereafter."



The rule of halal has enabled Muslim jurists to formulate certain legal maxim such as: "Permissibility is the basic norm in all things unless there is evidence to establish a prohibition."

As matter of fact, the principle of permissibility (mubah) covers a wide scope such as foodstuff, animals on land and in the sea, commercial transactions and contract.

It should be noted that the principle of halal and haram is not only confined to food and beverages. In fact, the issue of halal and haram covers a wider scope including food and drinks, non food sector such as cosmetics and medicines, transactions, sports and leisure, and others.

In reference to food, Qur'anic guidance dictates that all food are halal (lawful and permissible) except those specifically mentioned as haram (unlawful or prohibited). For example, it is stated in the Qur'an:

"Forbidden unto you (for food) are: carrion and blood and swine flesh, and that which hath been invoked the name other than Allah, and the strangled, and the dead through beating, and the dead through falling from a height, and that which hath gored to death, and the devoured of wild beast, saving that ye make lawful (by slaughter) and that which has been immolated to idols and that ye swear by the diving arrows. This is an abomination..."

(Qur'an, Surah al-Maidah:5 verse 3)

The above Qur'anic reference makes it crystal clear that meat is the most strictly regulated of the food groups. It is also required that the halal

animals be slaughtered with the name of Allah at the time of slaughter. Apart from slaughtering methods, it is also important to ensure that the animals for the Islamic slaughter are raised and procured from farms which do not feed them anything that might contain animal derivatives and other unlawful substance.

Consumption of wine and other intoxicants is clearly prohibited in the Quran:

"O you who believe, intoxicants and gambling, and idols and divining arrows are an abomination of Satan's handiwork. Leave it aside in order that you may succeed."
(Quran, Surah al-Maidah:5 verse 9)

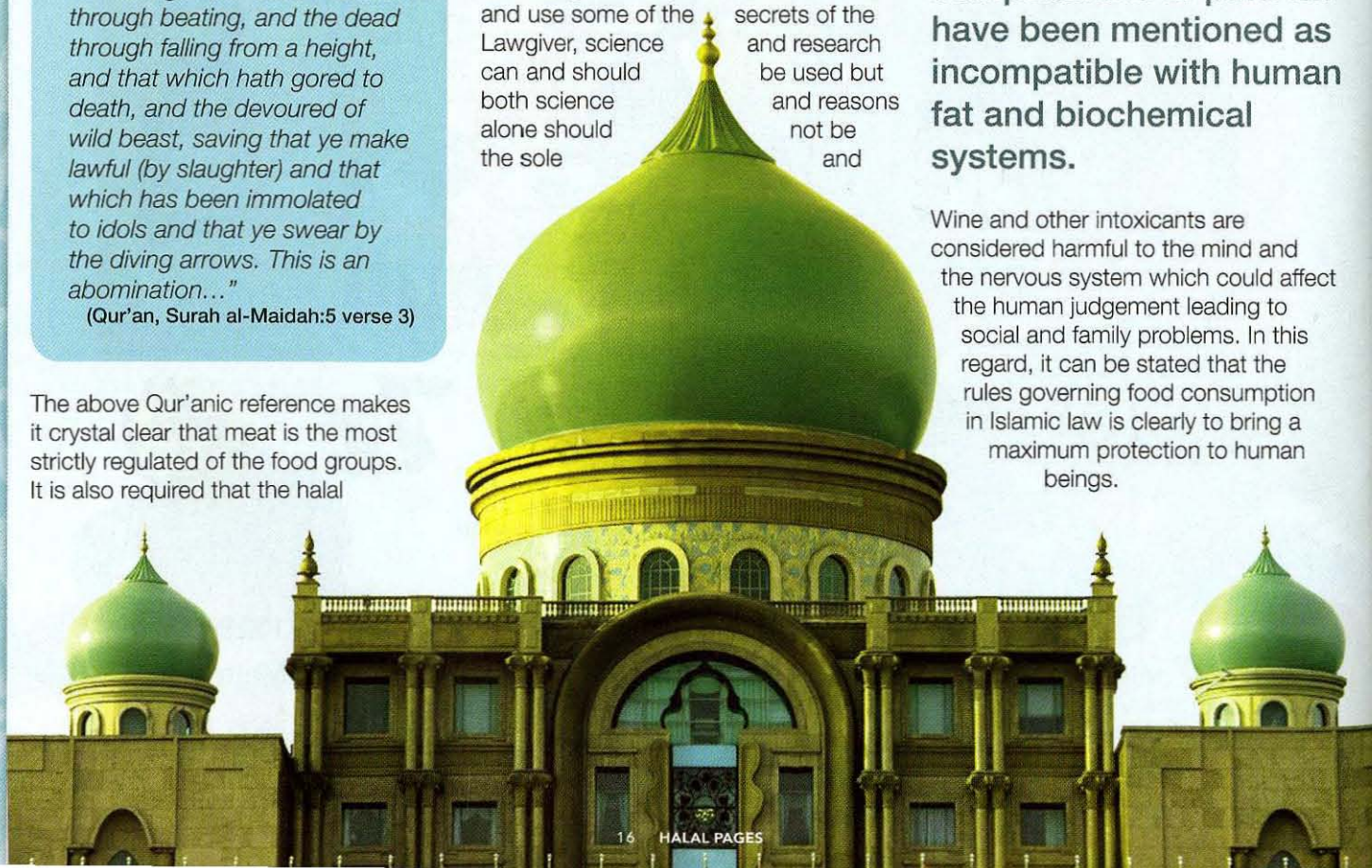
Khamr (intoxicant) is haram not only for one who consumes it but also for the manufacturer, the traders as well as the profit earned in this business.

Every legal ruling in Islam has its own purpose and wisdom. Some of the wisdom is explained in the Qur'an and sunnah of the Prophet and some is left to be defined by the people of knowledge. To help humankind discover and use some of the secrets of the Lawgiver, science and research can and should be used but both science and reasons alone should not be the sole and

absolute arbitrator to accept or reject injunctions from the Lawgiver. Attempts have been made to explain or justify some of the prohibitions based on scientific reasoning.

For example, carrion and dead animals are unfit for human consumption because the decaying process leads to the formation of chemicals, which are harmful to human being. Similarly blood that is drained from the body contains harmful bacteria and toxins. Swine is proven a vector for pathogenic worms to enter the human body and infections by Trichinella spiralis and Taenia solium are not uncommon. Furthermore, the compositions of pork fat have been mentioned as incompatible with human fat and biochemical systems.

Wine and other intoxicants are considered harmful to the mind and the nervous system which could affect the human judgement leading to social and family problems. In this regard, it can be stated that the rules governing food consumption in Islamic law is clearly to bring a maximum protection to human beings.





However, it should be noted that in case of dire necessity (*darurah*), such as in case of extreme hunger or extreme thirst Islamic law permits the consumption of the prohibited food and drinks.

"But if any is forced by hunger, with no inclination to transgression, Allah (God) is Indeed Off-forgiving, Most Merciful."

(Quran, Surah al-Maidah:5 verse 3)

This exceptional rule is supported by the Islamic legal maxim:

"Necessities will legitimize the prohibition."

In addition, this rule is also applicable in case of other dire necessity such as for medical purpose which is to save

life. For example, the using of non-halal vaccine for meningitis (inflammation of the membrane covering the brain and spinal cord) which is imported from western countries producing it from pig extracts. This issue actually is a challenge to Muslim scientists to make a research to produce the halal vaccine for medical purposes. Therefore, the halal industry should be buoyed with the introduction of biotechnology which is very important in meat production, pharmaceuticals, cosmetics and even nutraceuticals.

With regard to transactions, Islam does not treat contract as merely private agreement between the two or more contracting parties. As a matter of fact, Islamic law does not allow any agreement which deems harmful and unfair to public interest. This can be seen from the prohibition of *riba* (usury or interest based system) in transactions and contracts in Islam. One such rule is that usurious transactions which are all gains from trades or loans, whether from the loan of money or goods or property of any kind are haram (*prohibited*).

In addition, Islamic law prohibits Muslims from making a contract in which the subject matter is an unlawful

items. The majority of Muslim jurists are in agreement that the subject matter of a contract should be legal, pure and clean. It means that a Muslim cannot transact in wine, blood, corpse, manure, pork and the like which are considered impure by Islamic law. However, Hanafi jurists allowed a contract of impure things such as pig's hair and animal's leather unless there is a clear prohibition as in the case of wine, pork, carrion and blood.

It is very clear that Islam emphasizes the *ummah* (*nation*) to consume and/or deal in halal (*permissible*) and *toyyibah* (*good/ wholesome*) products and services. Due to this matter, the development and enlarged scope of the Halal industry is indeed pivotal to be researched. The innovation of products and services would provide for the growth and prosperity of the industry itself. The aspiration of Islamic law is not only to ensure that the food is halal but is also safe to be consumed.

The relevant competent authorities (for example the Halal Industry Development Corporation or State Islamic Religious Department in Malaysia) are obliged to ensure that there shall be no defect and fraud in relation to manufacturing, contents, packaging, labels, instruction, security of supply and marketing. More regular monitoring and better enforcement efforts must be in place to ensure that the halal certificate and the usage of a halal logo granted to manufacturers and/or food premises comply with the guidelines for using the halal certificate and the halal logo.

