Fiqh Analysis on the Legal Status of Coprophagous Animals: A Special Reference to the Malaysian Aquaculture Industry

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Abstract

Aquaculture has become one of the most important industries in Malaysia as it continues to contribute to the social and economic development of the nation. The industry is considered as not only the most important source for national fish supply but also as a way of increasing local production for food security and export revenues. Be that as it may, the industry is not free from polemics as some has reported that a number of farmers used to feed their fish with animal wastes or things that are impure (najis). In addition, pig and its derivatives were also used in freshwater fish farms, i.e. Pangasius Hypophthalmus and Clarias Batrachus as their fish feed. This has raised an Islamic legal issue among the Muslims as to the status of such fish. This paper is an attempt to clarify the issue and further identify the legal status of coprophagous fish through fiqh approach. To achieve this objective provisions from the Qur'an and the Sunnah of the Prophet have been consulted to understand the legal meanings of halal and haram. The opinions of the classical jurists, which form as classical ijtihad were also referred to in order to understand the concept of coprophagous animals. In this context, most of the established classical manuals that represent the four Sunni mazhabs were consulted. As such, the method of analogy or qiyas was also applied in order to identify the legal status of fish breeding in modern aquaculture industry. It is hoped that this paper can solve the issue of coprophagous animals and further enhance the Malaysian aquaculture industry.

Keywords--- halal haram, food, fish, feed, consumer

Introduction

The development of Aquaculture industry in Malaysia started from 1920’s and is expected to emerge as one of the major agriculture contributors to the national economy. The industry, which involves a lot of fish species and aquatic invertebrates, has great potential for the increase in production of food or non food. Some of those include services, health, cosmetics and personal products, as well as alleviation of poverty, and generation of wealth for nations [1].

With regard to this, fish is considered as food for everybody. The result from Fisheries Department of Malaysia has showed that the per capita consumption of fish and other seafood products in our country is estimated to be closed to 50 kg. This characterizes more than two-thirds of the total animal protein consumed per capita locally. It is also expected that the total national fish production will be 1.93 million metric tonnes which worth more than RM9.36 billion at the end of the Third National Agriculture Policy Planning.[2]

The problems arise when aquaculture practices do not concerns on the feed which normally comes from animal wastes or things that are impure (najis) like carrion, blood and pig. These practices are prohibited as they are considered as haram in Islam.

This paper is an attempt to clarify the issue and further identify the legal status of coprophagous fish through fiqh approach. It is a need for a clear status of these practices to help Muslims in their decision of halal products.

Methodology

The data was gathered from the classical manuals on Islamic law. These classical manuals represent the opinions of all school of thoughts, i.e. the Hanafis, Malikis, Shafi’is and Hanbalis. The data gathered from these manuals were transcribed and analyzed using the method of both inductive and deductive techniques. The meaning of this data was then translated into words that can be read by the audience.

Background of Malaysian Aquaculture Industry

Aquaculture industry in Malaysia has contributed significantly to the growth of national economy. Generally, aquaculture can be defined as rearing aquatic animal or cultivating aquatic plants such as crustaceans, shellfish or other saltwater...