

ANALYSIS ON METHODS OF DETERMINING HALAL OR HARAM OF ANIMALS TO BE
EATEN ACCORDING TO SYEIKH ABDUL MALIK BIN ABDULLAH IN HIS KITAB *AL-
KIFAYAH*

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ABSTRACT

Kitab *al-Kifayah* is a Malay manuscript which contains the debate about Islamic doctrine (*aqidah*) and Islamic jurisprudence (*Fiqh*). It was composed in the 17th century or early 18th century by Syeikh Abdul Malik bin Abdullah, also known as Tok Pulau Manis. One of the chapters in this manuscript emphasizes matters pertaining to haram and halal animals are eaten. The issue of halal or haram regarding an animal has been debated among Muslim jurists (*Fuqaha*). This happens because there are not many evidences from the Quran and the Hadith explain specifically about the ruling of eating a certain type of animals. As a consequence, this paper aims to identify what are the methods used by Syeikh Abdul Malik in determining halal or haram in eating an animal. It also analyzes the methods proposed by him in *al-Kifayah*. In order to meet these objectives, documentation method used by examining three copies of the Kitab *al-kifayah* discovered by the researchers. The results of this study demonstrate the methods proposed by Sheikh Abdul Malik is compatible with what are outlined by the legal scholars in the authoritative books of al-Shafii. However, he was not merely citing and translating what are in the scriptures, but also he was able to develop his own method for the categories of birds which are grabbing and holding food with their mouths, eating nails, breathing while drinking water and birds marked at their neck.

Keywords: Analysis of Methods, Halal or Haram Animals, Kitab *al-Kifayah*, Syeikh Abdul Malik bin Abdullah

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1. INTRODUCTION

It is a matter of fact that Allah has sent His divine revelation through the Quran and the hadith of the Prophet Muhammad Peace Be Upon Him (P.B.U.H). The laws ordained in both could not be implemented if there is a failure of Muslim to understand them well. The divine revelation are conveyed to the Muslims in the form of general (*am*), specific (*khusus*), absolute (*mutlaq muqayyad* (restricted), unclear meaning of word (*mujmal*) and a clear-cut meaning of word (*mubayyan*). Some revelation requires an explanation while the others require Muslims to exercise reasoning (*ijtihad*). Based on the understanding of the Quranic evidences, legal scholars (*fuqaha'*) had established the methodology to determine the rulings in order to facilitate Muslim in worshipping Allah s.w.t. This is also applicable to the scriptures written by Sheikh Abdul Malik bin Abdullah which is Kitab Al-Kifayah. He established several methods as a guide to determine ruling of eating animals especially animals which are not mentioned in the Quran and Hadith.

2. THE BACKGROUND OF SHEIKH ABDUL MALIK BIN ABDULLAH

Sheikh Abdul Malik was a Muslim scholar who was born in Terengganu, whose ancestry from Baghdad. According to the birth and death records found on his grave located in Kampung Pulau Manis, Kuala Terengganu, Sheikh Abdul Malik was born in 1089H / 1678M and died in 1149H / 1736M (A visit to the grave of Sheikh Abdul Malik, 15 January 2011). The mentioned dates indicate that Sheikh Abdul Malik was died at the age of 58. However, there are other proofs showing that he was born earlier, around 1650M. (Shafie, 1977 and Ibrahim: January 15, 2011 and Mohd Saleh, 1983).

The date of his death of Sheikh Abdul Malik as stated on his grave is acceptable and not disputable by any party which is in the year of 1149H / 1736M. He died at the age of 86 and this fact is consistent with a finding shown that he departed at an elderly age. (MC ff. Sheppard, 1949: 11). The folktales passed on orally his ancestors also mentioned that Sheikh Abdul Malik died when he was quite old (Shafi, 1984).

2.1 Educational Background of Sheikh Abdul Malik

The educational background of Sheikh Abdul Malik could be categorized into two phases; the first is his study in Java and Aceh and the second is his study in Makkah and Medina. His studies in Java and Aceh can be considered as the fundamental study of religious knowledge, while his advanced study of religious knowledge was in Mecca and Medina. His very first teacher was his own father, Sheikh Abdullah bin Sheikh Abdul Qahar. Prior to migrating to other states, he was also studying with the local scholars (Ibrahim, 1999).

Subsequently, he pursued his studies in Aceh which was known as the center of knowledge in the Malay Archipelago and it was considered as the foundation study before someone is going to further his or her study in Makkah. Aceh was known as "Veranda of Mecca" or acknowledged as "Serambi Mekah" by Malays, reflecting its glory and greatness then (Ibrahim, 1999). Sheikh Abdul Malik is known as a great student of Sheikh Abdul Rauf Singkel (Azyumardi Azra, 1994). The proof of his travel to Aceh is mentioned in hand-copied book titled *Tafsiran Baidawi* and was written in Malay by Sheikh Abdul Rauf Singkel (Shafii, 1989).

Sheikh Abdul Malik migrated to Makkah around the year of 1680s when he was in his 30s. Up to now, the question about who was the first person from Malaya migrated to Mecca for the sake of seeking Islamic studies is still unanswered. However, a study conducted by the early scholars has shown that Sheikh Abdul Malik was among the earliest Malays who studied in Makkah. In the age of approximately 40 years, he eventually returned to his homeland and gave a very significant contribution together with other scholars such as Muhammad Arsyad al-Banjari, Nawawi al-Bantani

dan Syaikh Daud al-Fatani (Mohammad Redzuan, 1998). His return from Makkah is related to his grief over the death of his teacher, Sheikh Ibrāhīm Al-Kurānī in 1101H / 1690M as he left Makkah right after a few days after his death.

2.2 The contributions of Sheikh Abdul Malik

Upon returning to Terengganu around 1690M, Sheikh Abdul Malik discovered a critical need of people in Terengganu for his contribution in terms of Islamic knowledge that he acquired in Aceh, Mecca and Medina. His contribution to the development of Islam in Terengganu can be categorized into three; the establishment of “pondok” institution, the production of Islamic works and also his involvement as a religious advisor to the Sultan of Terengganu.

2.2.1 The establishment of “Pondok” Institution

Sheikh Abdul Malik was a pioneer in the establishment of “pondok” institutions in Kampung Pulau Manis, Terengganu. He built his house just near to Masjid Kampung Pulau Manis. The migration of the Sultan and Sheikh Abdul Malik to Kampung Pulau Manis had turned the village into the Administrative and Spiritual Center. Then, Sheikh Abdul Malik started his teachings, a lot of students from all over the state attended his lectures (Ibrahim, 1999). In fact, his students did not only consist of Terengganu people, but also from the whole Peninsular of Malaya. His students built small houses which were known as “pondok” around the mosque during their studies (Sheikh Abdul Malik (1650-1736M), <http://Islaminus.blogspot.com/2009/06/>): August 20 2014). Apart of being the first center for Islamic education, the “pondok” of Sheikh Abdul Malik has also loaded with the books as the teaching materials and references brought by Sheikh Abdul Malik from Makkah, Aceh as well as the books written by himself (Shafi, 1991).

2.2.2 The Works of Sheikh Abdul Malik

This prolific scholar, Sheikh Abdul Malik had written several scriptures as a teaching materials for his students as well as a guidance for the Terengganu community. In deed Sheikh Abdul Malik was active in scriptures-writing since he was studying at Aceh. However, during his studies, he only involved in rewriting, copying and translating the scriptures written by earlier scholars instead of writing his own works. (Shafi, 1984). With in-depth knowledge of Sufism, Sheikh Abdul Malik produced a scripture entitled *Hikam Melayu* when he was still in Mecca. *Hikam Melayu* was his greatest work and is still used as a reference until now (Ibrahim, 1999). *Hikam Melayu* consists of discussion (*syarh*) of *Matan Hikam* authored by Imām Tāj al-Dīn -Dīn Aṭāʾillāh 'al-Sakandary, following the thought of Shādhilī (Shafi, 1984). This scripture has been lectured and referred as a teaching material in Makkah. As Makkah is well-established place with publishing and printing technology, this book has been printed out and copied before spreading throughout the Malay region. This scripture is still referred for Islamic studies, whether in the village or in the city.

Although Sheikh Abdul Malik was well-known with *Hikam Melayu*, but the fact is that he had managed to produce three books in Islamic Jurisprudence namely *Kitab al-Kifayah*, *Risalah al-Naql* and *Risalah Kayfiyah Niyyah*. Among all these three masterpieces, *Kitab al-kifayah* is considered as the greatest book which contains the discussion on ruling or Shariah law covering various topics such as ablution, prayer, funeral management, fasting, tithe and so on.

2.2.3 Appointment as Religious Advisor of the Sultan

Upon his return to Terengganu, Sheikh Abdul Malik had been appointed as a religious advisor to the state government. His main role was issuing legal opinions or fatwas pertaining to the rulings of Islamic laws and principles of Islam. The story of the greatness of Sheikh Abdul Malik as a Muslim scholar and religious advisor has been conveyed hereditarily by the community and his heirs. According to Dato 'Haji Ambak, Sheikh Abdul Malik was a “faqih”, “sufi” and a wise man. His greatness is traced from his writing entitled *Kitab Hikam* which not only be translated, but be arranged and well-explained based on the reality during those time ('Ambak bin Ismail, February 1, 2011).

According to Haji Ismail bin Embong, Sheikh Abdul Malik was a leading scholar during his time and his contributions are remembered and appreciated until now (Ismail bin Embong, February 1, 2011).

2.3 Background of Kitab *al-Kifayah*

The second main work written by Sheikh Abdul Malik is Kitab *al-Kifayah*, covers the discipline of Islamic Theology (*Usuluddin*) and Islamic Jurisprudence (*Fiqh*). It debates the issues of faith or doctrine (*Aqidah*) and Islamic Jurisprudence (*Fiqh*) such as purification (*Taharah*), prayer, fasting, tithe, halal and haram of animals to be eaten and funeral management (Sheikh Abdul Malik, n.d.). This scripture has been written as his teaching materials for the local community. However, this manuscript has never been published and has not been traced by the researchers except the two copies stored in the National Library of Malaysia and Islamic Arts Museum of Malaysia.

The root word “*Kifayah*” comes from the Arabic word which literally means 'sufficient'. Thus, it can be concluded that the word “*Kifayah*” as the title of this manuscript refers to the importance, sufficiency and fundamental religious knowledge which is required for every Muslim. It brings the meaning that Kitab *al-Kifayah* is a book which contains a complete discussion of the basic or fundamental knowledge required by every single Muslim, known as personal obligation or knowledge of *fard ayn*.

From the analysis of all the three copies of the Kitab *al-kifayah* found by researchers, none of them states the actual date of this scripture written by Sheikh Abdul Malik. However, according to Ismail Che Daud (2012), Kitab *al-Kifayah* was completely written on Thursday, 25 Shawwal 1138H corresponding 27th June 1726M.

As the oldest of fiqh book written in Terengganu and among the earliest in The Malay land after the Book of *Şirāṭ al-Mustaqīm* (Zurita, 2014), the researchers argue that Kitab *al-Kifayah* has intentionally written with the aim of spreading the fundamental knowledge of Islam that comprises theology and jurisprudence to the Muslim community at that time. Due to the lack of knowledge among Muslims during those times, and simultaneously Sheikh Abdul Malik was one of the earliest Malays studying in Makkah (Mohammad Redzuan, 1998), Kitab *al-Kifayah* is perceived to attract attention from the folk of Terengganu then and had to play an important role in spreading the Islamic teachings.

Moreover, Kitab *al-Kifayah* also has been written as a fundamental text or a part of the syllabus for the students who were pursuing studies at “pondok” institutions founded by Sheikh Abdul Malik himself. (Shafi, 1985). Kitab *al-Kifayah* includes a discussion of the aspects of Islamic doctrine (*aqidah*) and Islamic jurisprudence (*Fiqh*). The chapters in the book had been divided into 12 chapters namely the Book of Articles of Faith, the Book of Five Pillars of Islam, the Book of the types of rulings pertaining to human actions and the causes of becoming Apostasy, the Book of Purification, the Book of Prayer, the Book of Funeral management, the Book of Zakat (Tithe), the Book of Fasting, the Book of Qurban (sacrifice of an animal during ‘eid al-Adha), the Booke of Aqiqah (sacrifice of an animal on the occasion of a child's birth), the Book of Slaughtering and the Book of Food.

It is a fact that Kitab *al-Kifayah* has been written with reference to several well-known authentic works of Shafi'i School of Thought. The main reference is *Tuhfat al-Muhtāj Bisyarḥ al-Minhāj* authored by Shaykh al-Islam Shihab al-Din Abu al-'Abbas Ahmad bin Muhammad bin 'Ali ibn Hajar al-Haytamī, an Egyptian legal scholar. Kitab Tuhfat is considered as a masterpiece in the field of Islamic jurisprudence (*Fiqh*) and entitled a high rank by Shāfi'iyyah scholars. Besides, Sheikh Abdul Malik also referred to Kitab *Minhāj al-Ṭālibīn Wa 'Umdah al-Muftīn* which had been written by Muḥyi al-Dīn Abū Zakariyyā Yaḥyā bin Sharf bin Murri al-Hazami al-Shāfi'ī, who is also known as Imam al-Nawawi. Another scholar mentioned by the author in this scripture is Imam al-Ruyānī. Based on the research of the Scripture by Imam al-Ruyānī, there is a great work of Islamic jurisprudence and includes several chapters in the discipline of fiqh which is *Baḥr al-Madḥḥab fi Furū' Madḥḥab al-Imām al-Shāfi'ī*.

In addition to the abovementioned three scriptures, there are also the other scriptures referred by the author, but there is no citation in the text. Among the scriptures that were found to have the same facts with some texts of *al-Kifāyah* ialah *Fatḥ al-Wahhāb Bi Syarḥ Manhaj al-Ṭullāb* karangan Imam Abū Zakariyyā al-Anṣārī, *Sharḥ al-Waraqāt Li Imām al-Haramain al-Juwainī* oleh Imam Tāj al-Dīn al-Farāzī, *Mughnī al-Muhtāj Ilā Ma‘rifah Ma‘ānī Alfāz al-Minhāj* by Imam Shams al-Dīn al-Khātib al-Sharbinī dan *Al-Mustasfā Min ‘Ilm al-Uṣūl* by Imam al-Ghazali.

3. HALAL OR HARAM OF ANIMALS TO BE EATEN ACCORDING TO SYEIKH ABDUL MALIK BIN ABDULLAH

3.1 Types of Halal and Haram animals to be eaten

In discussing the ruling of animals to be eaten in Islam, Sheikh Abdul Malik has divided them into four categories namely aquatic/marine animal, animals live both in the water and on land, animals live on the land and flying animals;

- a. The animals that live in the water covers all animals which live in the sea, river, swamp and lake, except those which will harm human beings, is permissible (*halal*) to be eaten.
- b. The animals that live in both river and on land such as frog, crocodile, tortoise, turtle, and snakes, among others are prohibited (*haram*) to be eaten.
- c. The animals that live on land however offers different consideration as some of them are permissible while the others are prohibited to be eaten. Permissible (*Halal*) animals to be eaten have been identified for instance, camel, cow, goat, horse, sheep, and lizards, among others. Meanwhile, prohibited (*Haram*) animals to be eaten such as tiger, bear, rhino, wolf, and the animals that attack by using teeth, fangs and claws. The other animals which are not permissible to be eaten are monkey, apes, elephant, dog, pig, cat, dragon, worm, ants, flies, mosquito, fox and leech (Abdul Malik, n.d.).
- d. For the animals that can fly such as chicken, bird and bat, Sheikh Abdul MALik only focused on the birds. Birds which are permissible to be eaten are chicken, duck, poultry and all the birds that snatching by beak, birds that are breath while drinking, and birds with marks on the neck (Abdul Malik, n.d.). Birds which forbidden to be eaten are birds that grab their victims or food by using claws, birds that hold food by feet, such as eagle, parrots, owl and bat. Besides, peacocks and all look-alike-peacock birds are not permissible to be eaten (Abdul Malik, n.d.)

3.2 Methods of determining Halal and Haram animals to be eaten

In determining what is permissible or forbidden to be eaten animals, several methods have been outlined by Sheikh Abdul Malik bin Abdullah:

- i. Halal to eat animals that only live in the water which do not look alike land-live animals which are not permissible to eat such as pigs and dogs.

Sheikh Abdul Malik bin Abdullah has outlined a method to determine the ruling to eat the animals which live in the water, whether in the sea, river or lake. The method outlined by him is consistent with what has been outlined by Allah in the Holy Qur'an and the hadith of Prophet P.b.u.h. Allah says:

“Lawful to you is the game of the sea and its eating; a provision for you and for the travellers; And forbidden to you is the game of the land while you are in the state of sanctity. And fear Allah to Whom you shall be gathered”.

(*Al-Māidah* 5:96)

The above verse describes the permissibility to eat animals which are living in the sea. According to Ibn Abbas, the word البحر صيد means sea animals found alive. The word طعامه on the

other hand means sea animals found in dead condition. Both are permissible to be eaten. The above verse also describes about the prohibition of hunting animals during ihram (al-Qurtubi, 1967).

As narrated in a hadith:

“From Jabir that the Prophet SAW has been asked about the sea, hence he said: the water is pure, while its carcasses are permissible”.

(Ibn Majah, 1998, Vol 3, p.221)

Based on the above evidences, there is a mutual consensus among Shafie jurists pertaining the permissibility of animals live in the sea, river, swamp and lake. The same opinion also represented by other jurists except Hanafi jurists. They accept fish as the only water creatures as halal while the rest are haram (al-Zuhaily, 1989). In the above method also, Sheikh Abdul Malik limits the characteristics of marine animals to be consumed which are the marine animals that apparently does not alike illegal land animals like pigs and dogs. However, according to the views of Shafie jurists, this view is considered as poor in the school of thought. A valid opinion indicates that there is no such limitations for marine animals to be eaten as they are permissible even if they resemble pigs and dogs (al-Nawawi, 2005 & Al-Ansari, tt).

ii. Prohibition of eating animals which can harm human beings

In Kitab *al-Kifāyah*, Sheikh Abdul Malik has mentioned the permissibility to eat all shellfish except those bring harm to people. When describing animals live on land which are forbidden to be eaten, he explained that it is forbidden to eat poisonous animals. This method is in accordance with a hadith of the Prophet P.b.u.h.:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ خَمْسٌ مِنَ الدَّوَابِّ مَنْ قَتَلَهُنَّ وَهُوَ مُحْرِمٌ فَلَا جُنَاحَ عَلَيْهِ الْعُقْرَبُ وَالْفَأْرَةُ وَالْكَلْبُ الْعَقُورُ وَالْعُرَابُ وَالْجِدَاءُ⁶

Its meaning:

“From Abdullah bin Umar R.A. The Prophet P.b.u.h. said: Five types of animals which is allowable for those who are in the state of sanctity (ihram) to kill them which are scorpions, rats, dogs which attack people, crows and eagles”.

(Bukhari, 1983, vol2, p.446)

The permissibility to kill those animals indicates the prohibition of eating them as they bring harm to human being. This is because the Prophet s.a.w. will not allow Muslim to waste the life of these animals if they are permissible to be eaten. Although the above hadith does not state the reason of why these animal are prohibited to be consumed, but their harm is clear. Snakes and scorpions are poisonous animals that can cause death. Rats and crows are dirty animals, and can cause disease (<http://health.kompas.com/read/2012>, achieved on 10 May 201). The nature of dogs that attack humans also can cause injury or death. Eagles are attacking small animals such as birds and chicken.

iii. Haram of eating animals that live in both land and water

The third method mentioned in the text of the Kitab *al-kifayah* under chapter of halal and haram animals to be eaten is the prohibition of eating all the animals which live in two realms, such as frogs,

⁶ Hadis riwayat al-Bukhārī, Kitab *Bad'u Khalqī, Bab Khams Min al-Dawwāb Fawāsiq Yuqṭalnā fī al-Ḥarām*, no. hadis 3315. Lihat Abū 'Abd Allāh Muḥammad bin Ismā'īl al-Bukhārī, *Al-Jāmi' al-Ṣaḥīḥ*, (Kaherah: Maṭba'ah al-Salfiyah, 1403H), 2:446.

crocodiles and rock crabs. For this issue, there is no evidence from the Qur'an or hadith which clearly mentions about the ruling of eating amphibian animals. The jurists who prohibit such consumption adhere to a hadith:

عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُثْمَانَ طَبِيبًا سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ضَفْدَعٍ يَجْعَلُهَا فِي دَوَاءٍ فَنَهَاهُ
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ قَتْلِهَا⁷

“From 'Abd al-Rahman Ibn Uthman that the Prophet has been asked by a physician about frogs, whether it can be an ingredient in the medicine, quickly, the Prophet Muhammad P.b.u.h prohibited him from killing the frog”.
(Abu Dawud, 1999, Vol3, 3871)

The jurists from Hanafi and Shafi'i schools of thought proclaim the prohibition of eating animals live in both water and on land because they are categorized as *al-khabā'ith*. They also adhere to the hadith about the prohibition of killing frogs which are amphibian living in two realms. The Maliki jurists give opinion on the permissibility of consuming such animals unless there is sufficient proof to forbid it. The third view is the view of the Hanafi jurists that all animals live in two realms must be slaughtered except two realms animals without blood such as crabs. The amphibian animals which are not slaughtered are prohibited from its consumption. (al-Zuhaily, 1989).

iv. Prohibition of eating wild animals with fangs

For the fourth method presented by Sheikh Abdul Malik, there is a clear evidence from the hadith pertaining to the prohibition to eat wild animals with fangs. Rasulullah P.b.u.h said:

عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ وَعَنْ كُلِّ ذِي مَخْلَبٍ مِنَ
الطَّيْرِ⁸

“From Ibn Abbas, he said: The Prophet P.b.u.h forbade (eating) all the wild animals with fangs and birds with gripped claws” (Muslim, n.d., vol 2, p.770)

In the above hadith, there are two characteristics of animals which are forbidden to be eaten. The first is wild animal with fangs. What is meant in the above hadith is the wild animals with fangs and able to attack human being, other animals and cattle to be their food. For example, the lion and tiger (Yusri, 2001). There are also wild animals which have fangs, but do not attack humans, other animals and cattle for food such as a striped hyena. These animals are not consider as forbidden to be eaten. (Ahmad Sharafi, 2007).

v. Prohibition of consuming birds grabbing with claws and holding food with legs.

The next method, it is forbidden to consume the birds which are using their claws to grab food and holding. Such kind of birds have claws to grip their victims, so that they could not escape themselves.

⁷ Hadis riwayat Abū Dāwud, Kitab *al-Ṭibb*, Bab fī al-Adawiyah al-Makrūhah, no. hadis. 3871. Lihat Abū Dāwud Sulaiman bin al-Asy'ath al-Sajastānī, *Sunan Abī Dāwud* (Kaherah: Dār al-Ḥadīth, 1999). Al-Albānī mengatakan hadis ini sahih. Muḥammad Nāsir al-Dīn al-Albānī, *Ṣaḥīḥ Abī Dāwud*, hadis no 3871. Al-Albani, *Ṣaḥīḥ al-Targhīb wa al-Tarhīb*, 3:151.

⁸ Hadis riwayat Muslim, Kitab *al-Ṣaid wa al-Dhabā'ih wa mā yu'kal Min al-Hayawān*, Bab *Tahrīm Akli Kulli Dhī Nāb min al-Sibā' wa Kulli Dhī Mikhlab min al-Ṭayr*, no hadis 1934. See Abī al-Ḥusayn Muslim Bin al-Ḥajjāj, *Ṣaḥīḥ Muslim*, (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2001), 2:770.

With reference to the same prophetic saying of the prohibition of eating animals with fangs, the jurists also determined the ruling of eating birds with gripped claws . Prophet s.a.w .:

عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ وَعَنْ كُلِّ ذِي مَخْلَبٍ مِنَ الطَّيْرِ⁹

“From Ibn Abbas, he said: The Prophet P.b.u.h forbade (eating) all the wild animals with fangs and birds with gripped claws” ((Muslim, n.d., vol 2, p.770)

- vi. Permissibility of consuming birds which are swooping and holding food by their mouths, eating by nails, breathing while drinking water, and having mark on their necks.

For this category, the researcher believes that Sheikh Abdul Malik bin Abdullah has categorized those birds based on his in-depth observation on their characteristics. Based on the hadith that is related to the prohibition of eating birds that have claws and use it to attack their victims, thus the birds which swoop and hold food by their mouths are considered as permissible (*halal*). Based on the observation as well, most probably he might found the birds that eat by using claws, breathing while drinking water and having mark on the neck, as a bird that does not grab their victim with ingrown nails. Imam Ibn Hajar al-Haytamī mentions the permissibility of eating birds with the hum of voices. (al-Haytamī, tt).

The methods outlined by Sheikh Abdul Malik bin Abdullah is a method that has been outlined by the other legal scholars in the authoritative scriptures of the sect of al-Shafi'i which became his main reference. The books mentioned are *Tuḥfat al-Muḥtāj Bi Sharḥ al-Minhāj* written by Imām Ibn Ḥajar Haytamī, *al-Iqnā' Fī Ḥal Alfāz Abī Syujā'* dan *Mughnī al-Muḥtāj Ilā Ma'rifah Ma'ānī Alfāz al-Minhāj* by Imām al-Sharbinī, dan *Nihāyah al-Muḥtāj Ilā Sharḥ al-Minhāj Fī al-Fiqh 'Alā Madhhab al-Imām al-Shāfi'* by Imām al-Ramlī.. However, the researchers had not found the method of birds that could be eaten which is the birds marked on the neck. The researchers also found that not all methods of determining the rulings of consuming animals had been discussed by Sheikh Abdul Malik. There are several other methods that are commonly used by the legal scholars of the Shafiites.

4. CONCLUSION

Based on the above discussion, it could be concluded that the ruling or Islamic laws as issued by Sheikh Abdul Malik bin Abdullah pertaining to the halal and haram animals to be eaten are derived from the evidences in the Quran, Hadith, *al-qiyas* (deductive analogy), *al-urf* (custom), as well as considering the authorized opinion in Shafi'i School of Thought. The methodology proposed by Sheikh Abdul Malik not only lead to a better understanding among Muslims towards halal and haram animals to be eaten as mentioned in the Quran and hadith, but it also covers the animals which are not highlighted. It is due to the similarities of nature among those animals, which are explained in his methodology.

⁹ Hadis riwayat Muslim, Kitab *al-Ṣaid wa al-Dhabāih wa mā yu'kal Min al-Hayawān*, Bab Taḥrīm Akli Kulli Dhī Nāb min al-Sibā' wa Kulli Dhī Mikhlab min al-Ṭayr, no hadis 1934. See *ibid*.

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