

## The Implementation of MUI's Fatwa Number 12 of 2009 Concerning Halal Slaughter Certification Standard in West Java

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### Abstract:

The background of research was the stunning phenomenon of a captive bolt that can injure animals. This was not following the MUI Fatwa Number 12 of 2009 concerning Halal Slaughter Certification Standards. This study aimed to analyze the standard of halal slaughtering according to the MUI fatwa Number 12 of 2009, the MUI *istinbat* method in determining the MUI fatwa, the implementation of the MUI's Fatwa at Slaughterhouses in West Java. The types of research were qualitative with empirical juridical. The method was analytic descriptive. Data collection techniques used observation, interview, and documentation. The literature analysis was carried out in depth on the MUI Fatwa, the opinions of scholars, and other relevant sources. This analysis was to strengthen the juridical aspect of halal slaughter. The research conclusions were first, the MUI fatwa followed its systematics, which referred to the Al-Qur'an, hadith, and the opinions of scholars and veterinary science, especially on stunning. Second, the MUI *istinbat* method were *bayani* related to the Al-Qur'an, hadith, and the opinions of scholars, *ta'lihi* related to *al-hayah al-mustaqirrah* and stunning, and *istislahi* associated with mentioning the name of Allah in the slaughtering process. Third, implementing the *fatwa* at the slaughterhouses in West Java generally did not comply with the *Shari'a* slaughtering process, including many slaughtering treatments that did not follow the fatwa, especially stunning on the captive bolt.

**Keywords:** blood of livestock, government's regulation; halal slaughtering; meet quality; slaughtering by stunning

## INTRODUCTION

Based on a study by the Central Statistics Agency, the need for beef for consumption and industry in Indonesia in 2017 was 486,319 tons, and in 2019 it increased to 504,802 tons. Every year the demand will continue to increase along with the increasing population and high public interest in meat consumption. The high demand causes the intensity of slaughter to increase, so slaughterhouses as a place for slaughtering animals is very necessary. In its implementation, slaughterhouses must be able to maintain the quality of the meat, both from the level of cleanliness, health, or the halalness of the meat (Ditjen, 2019). The slaughter of these animals used the stunning method. This term related to stunning the animal before the slaughter process. Veterinary experts have defined and explained it a lot. Conducted by Ilham, all forms of stunning have an impact on reducing the quality of meat, and slaughter without stunning turns out to be better and the animals do not feel pain, the blood of livestock can come out ideally because the perfection of bleeding is a condition for the quality of the meat produced to be good (Ilham, 2017). It can be interpreted that animal meat slaughtered without stunning produces better quality meat for the body if consumed. In the halal slaughtering process, it is believed to be able to produce blood that is quite perfect, besides that, it can be useful for extending the shelf life or guaranteeing the quality of the meat (Addeen et al., 2014).

In Indonesia, there are two methods before slaughter: stunning and without stunning. Slaughtering cattle without stunning has been carried out for a long time in Indonesia. Slaughtering by stunning aims so that the cows receive treatment following animal welfare, thereby minimizing the incidence of stress in cows.

Schulze and Hazem from Hanover University in Germany in 1978 produced research findings that animals that were stunned first experienced more intense pain than those that were not. The research used EEG (Electro Encephalo Graphy) and ECG (Electro Cardio Graphy). This study explained that when slaughtered cows struggle and stretch muscles, it is not because of pain but rather as an expression of strength and nerve shock. This condition was a response to the disconnection of nerve impulses from the brain to the body.

Slaughtering of animals is one of the concerns in Islam. Consumption of slaughtered meat refers to the halal standard. In this case, Islamic law regulates the slaughter based on *nas* and *qaul al-ulama*, which explicitly discusses the right rules and procedures according to the Shari'a. In addition, the scholars also pay attention to the welfare of the slaughtered animal. Rules, procedures, and attention to animal welfare are essential references in slaughtering animals, including the law regarding stunning.

The finding in this research; first, the animal suffered permanent injury to the skull and brain which was shot with a stunning gun. Second, when the animal is slaughtered there is no *al-hayah al-mustaqirrah*. Third, after stunning, the animal is not slaughtered immediately, it will die. Stunning using a tool called a stunning gun, must be reviewed. Because in reality, the results of using the stunning gun are not following what is required based on the MUI fatwa Number 12 of 2009 concerning Halal Slaughter Certification Standards.

In this regard, there is a problem regarding the halal status of slaughtering and halal production. The halal status of the slaughter is related to confirming the MUI theory, fatwa, and other supporting references. Regarding the MUI *fatwa* Number 12 of 2009 there is no explicit mention of the stunning type. The content of the *fatwa* only mentions the permissibility of stunning as long as you still pay attention to life expectancy (*al-hayah al-mustaqirrah*). This seems to allow business actors to stun those suspected of injuring animals. The slaughter process does not consider the welfare of the animal. This was obtained from a preliminary study on several slaughterhouses in West Java, especially in Cianjur, Sukabumi, and Sukabumi City. When this happened, beef production became less healthy and hygienic.

## METHOD

This research method uses a descriptive method with a qualitative approach. The illustrative way with a qualitative approach is a research approach that aims to describe, explain, and understand phenomena or events in a deep context (Rahman, 2020). The data used is secondary data. Data collection used a literature study. The literature study on this data is research article data collected regarding Islamic slaughtering. Analysis of the data in was done this study by selecting, organizing, interpreting, and then concluding (Miles et al., 2014).

## RESULTS AND DISCUSSION

### MUI's Fatwa and Halal Slaughtering

A fatwa (Arabic; plural *fatāwā*) is a non-binding legal opinion on Islamic law (Shari'a) given by a qualified legal expert in response to a question posed by an individual, judge, or government (Hallaq, 2009). A jurist who issues a fatwa is called a mufti, and the act of giving a fatwa is called an *iftā'* (Hendrickson, 2009). Fatwas have been essential throughout Islamic history, taking new forms in the modern era (Masud & Kéchichian, 2009). Fatwas are born based on certain facts, problems, proposals, or questions that must be answered. It is also compiled based on the relationship between statements according to the focus referred to in several sources. The relationship between the text statement and this reality results in a relationship between the *bayani*, *istislahi*, and *ta'lili* aspects.

*Bayani* is a method of thinking that emphasizes the authority of the text (*nas*), directly or indirectly and is justified by linguistic reasoning explored by inference. Directly means understanding the text as finished knowledge and directly applying it without the need for thought; indirectly understanding the text raw without interpreting and reasoning. However, this does not mean that reason or reason is free to determine the meaning or purpose but must still rely on the text. In *bayani*, reason or reason cannot provide knowledge without relying on text (Al-Jabiri, 1991). In a special study, *illat* and *ta'lili* can be studied independently, especially regarding determining the law that expanded the process of law enforcement from the original case to branch cases with the same *illat*. This method is urgent and relatively better than other reasoning methods because it combines normative ideas (*illat*) with empirical reality (*far*) (Hadikusuma, 2018). The *ta'lili* method includes *qiya>s* as a way of thinking to connect the original law with the branch law. Thus, the legal formulation obtained adheres to the *illat* equation between the two. This is based on exploring the initial unknown law in the branch law, which becomes clear when it is analogous to the original law with the requirements of *illat* equation. In other words, *ta'lili* is used to explore and determine the law for an event without explicit evidence. This *istinbat* is shown to determine the law of an event by referring to an event that already has a law because of the similarity of *illat* (Al-A'madi, 2004; Al-Ghazali, 2008).

This *al-istislah* can be determined in fiqh law the same as *Maslahah al-Mursalah*. The scope of *Maslahah al-Mursalah* is every benefit that goes into *maqasidh al-shari'a* (Ar-Rahmani, 2017). Imam Malik and the imams of the schools of thought who accept the *istislah* argument described the following conditions: a) There is relevance between *Maslahah*, which is seen as a dependent source of law with the aim of *shara'*, b) That *Maslahah* must be logical-reasonable (rational) and have characteristics that are following rational thinking when faced with rationalist groups, and c) this *Maslahah* determines to lift the difficulties that occur and befall the people (Zahrah, 1999).

Islam paid attention to the rules regarding slaughter. This is intended for halal consumption. Slaughter means the act of slaughtering or cutting (bin Sheikh Salim, 1989). According to the Shafii and Hanbali schools of thought, slaughter is the slaughter of certain animals allowed to be eaten by cutting the throat and throat. The position and location of the cut can be at the top of the neck (*al-halq*) or at the bottom of the neck (*labbah*). Or in a situation where it is impossible to slaughter the neck, stabbing is carried out anywhere on the animal's body (Zuhaili, 2010). Animals whose meat is lawful to eat are not halal unless slaughtered following *shari'a* regulations. Slaughter is a lawful condition for eating edible animals. This is following QS. Al-An'am [6]: 121. Animals that are suffocated/entangled, hit/slammed, fell, horned, and attacked by wild animals, according to the agreement of the scholars, if not slaughtered, the animal still survives. The slaughter makes it lawful to eat. If not slaughtered the animal will die immediately; according to Imam Abu Hanifa, al-Shafi'i, al-Zuhri and Ibn Abbas, the slaughter is functional. Meanwhile, other scholars say the slaughter does not work (Rusyd, 1960).

Several critical points of halal must be considered. First, the use of knives that meet animal slaughter standards. The blade used is not made of bone, teeth and nails. Second, the slaughterer who performs the slaughter of the sacrificial animal. The slaughterer must be Muslim and of puberty. The slaughterer must ensure that there is blood flow and movement of the animal as a sign of the animal's life, and ensure that the slaughter causes the animal's death (Anil et al., 2010).

Slaughtering animals by cutting *hulqum* and *mar'i* if the animal's life is still *al-hayah al-mustaqirrah* by using something that injures other than nails and bones. Regarding the specifications of the slaughter, the fiqh scholars agree that the slaughter that can make the slaughtered animal lawful is the one that can sever the two veins of the neck, throat and esophagus (Fuseini et al., 2016).

The stunning method of slaughter by weakening the animal before being slaughtered was born because the need for meat continues to increase, so this method is considered very helpful in the slaughtering process. The stunning method has been applied in many countries in America, Europe, Australia, and Indonesia, providing a lot of convenience in slaughtering livestock, especially on a large scale. But on the other aspect, this method also poses a risk in *halal* if not done correctly and well (Ilham, 2017).

Western way of slaughtering animals (western method), namely by making the animal to be slaughtered faint, and then slaughtering it. Animals are considered okay to feel pain when slaughtered.

Table 1  
Types of Stunning in Slaughtering

No.	Method	Definition
1	The Captive Bolt Pistol (CBP)	CBP is fired into the animal's skull, causing a shock to the brain and rendering the animal unconscious. Only after that the animal is slaughtered.
2	Electric Head-only Stunning	The electric head-only stunning is clipped to the head of a farm animal, usually a cow, goat, or sheep. Once clamped, the operator will conduct an electric current that will go straight through the brain and cause the animal to lose consciousness.
3	Waterbath Stunning	This method is commonly used to stun farm animals such as chickens, turkeys, ducks, or geese. The head of the bird is immersed in water that has been electrified. But often the birds die when passing this method.
4	Gas stunning	In this technique, the animal will be blown with CO <sub>2</sub> gas which makes the animal lose consciousness, before being slaughtered

Stunning will be related to the concept of *al-hayah al-mustaqirrah* in the study of fiqh. This position will be an essential study in the MUI fatwa.

### Animal Slaughtering on MUI's Fatwa Perspective

Slaughter of animals, according to the Shari'a is still required. It is the standard of *halal* that is agreed upon by Islamic teachings. The MUI fatwa is needed in Indonesia to guarantee *halal* standards based on Islamic teachings. Not only that, the fatwa regarding the slaughter of animals is used as a reference in the implementation of slaughter in the Slaughterhouses.

In the context of the codification of Islamic law (fatwa) in Indonesia, stunning is a critical study. This is evidenced by the issuance of MUI fatwa Number 12 of 2009 concerning Halal Slaughter Certification Standards. Several things drive this fatwa. First, the implementation of animal slaughter in Islam must follow procedures that follow the provisions of Islamic law so that the Muslim community can consume it. Second, regarding the performance of the process of slaughtering animals today, there are many Slaughterhouses that use modern equipment in line with technological developments, so various models of slaughter and processing emerge which raise questions regarding the suitability of the implementation of the slaughter with Islamic law (Indonesia, 2009).

In the Indonesian context, especially regarding *halal* slaughter, the MUI in 2003 issued a fatwa No. 4 of 2003 concerning the Standardization of Halal Fatwa, which states that those who are allowed to slaughter animals are Muslims and are of high age. The method of slaughter is legal if it is done by: a) reading "basmalah" when slaughtering; b) use a sharp cutting tool; c) cutting at once until the respiratory tract/throat (*hulqum*), food channel (*mar'i*), and both arteries (*wadajain*) are cut off; and d) at the time of slaughter, the slaughtered animal is still alive. It is legal to stun an animal because it does not hurt the animal in question, and its status is still alive (*al-hayah al-mustaqirrah*). Stunning mechanically, electrically, chemically, or in any other way deemed to hurt animals is prohibited (Indonesia, 2003).

The Fatwa of the Indonesian Ulema Council Number 12 of 2009 mentions the Halal Slaughter Certification Standard. This fatwa does not stand alone but pays attention to matters of substance such as the Fatwa of the Indonesian Ulema Council on Mechanical Slaughter of Animals on October 18, 1976, the decision of the coordination meeting of the Fatwa Commission and LP POM MUI and the Ministry of Religion

of the Republic of Indonesia on May 25, 2003, in Jakarta, Fatwa of the Indonesian Ulema Council Number 4 of 2003 concerning Standardization of Halal Fatwa, Decisions of Ijtima' Ulama's Fatwa Commissions throughout Indonesia II of 2006 at Pondok Pesantren Gontor Ponorogo concerning Critical Problems in Halal Auditing, and Results of Working Group Meetings of the MUI Fatwa Commission in the Field of Food, Medicine and Cosmetics and the LPPOM MUI Team on 12 November 2009 (Indonesia, 2003).

The MUI fatwa has several substances, especially in formulating a fatwa following MUI regulations. The fatwa component consists of 3 main parts. First, consider the fatwa, which is about weighing, remembering, and paying attention. The editorial team considers that animal slaughter in Islam must follow procedures that are following the provisions of Islamic law, utilize modern equipment in line with technological developments, and the importance of fatwas regarding halal slaughter standards to be used as guidelines. In remembering, several verses and hadiths related to slaughter are presented. The aspect of paying attention mentions the various opinions of scholars regarding slaughter and *al-hayah al-mustaqirrah*.

Second, the determination of fatwas. General and legal provisions are stated in the determination of this fatwa. General provisions explain:

In this fatwa, what is meant by:

1. Slaughter is the slaughter of animals following the provisions of Islamic law.
2. Processing is a process carried out on animals after slaughter, including skinning, mincing, and cutting meat.
4. Stunning is a way of weakening the animal by stunning it before the execution of the slaughter so that at the time of slaughter, the animal does not move much.
5. Failed to slaughter is an animal slaughtered without meeting the slaughter standards.

While the legal provisions contained in this fatwa mention several things that need to be considered. First, Slaughtered Animal Standard. Slaughtered animals are animals that can be eaten, animals must be alive when slaughtered, and the condition of animals must meet animal health standards set by the institution that has the authority. Second, Slaughterer Standard. He is Muslim and has reached puberty, understands the slaughter procedures according to the Shari'a, and has expertise in slaughtering. Third, Standard Tool. Slaughter tools must be sharp, not nails, teeth/fangs or bones. Fourth, Standard of the Slaughter Process. Slaughter is carried out to slaughter and mention the name of Allah; Slaughter is done by draining the blood through cutting the food channel (*mar'i*/esophagus), the respiratory tract/throat (*hulqum*/trachea), and two blood vessels (*wadajain*/jugular vein and carotid artery); Slaughter is done once and quickly; ensure the presence of blood flow and/or animal movement as a sign of animal life (*al-hayah al-mustaqirrah*); and ensure the death of the animal caused by the slaughter. Fifth, Processing, Storage and Shipping Standards. Processing is carried out after the animal is dead due to slaughter; animals that fail to slaughter must be separated; storage is carried out separately between halal and non-halal; and in the process of sending meat, there must be information and assurance regarding its halal status (Indonesia, 2009).

In addition to the information above, the legal provisions include the sunnah on slaughtering, and stunning, and the law for classifying animals.

- a. The animal to be slaughtered is sunnah to be brought to the Qibla.
- b. Slaughter, as much as possible, is carried out manually, without being preceded by stunning and the like.
- c. Stunning to facilitate the process of slaughtering animals is legal, provided that: 1) stunning only causes the animal to faint temporarily, does not cause death, and does not cause permanent injury; 2) aims to facilitate the slaughter; 3) its implementation as a form of *ihsan*, not to torture animals; 4) stunning equipment must be able to guarantee the realization of conditions a, b, c, and not be used between halal and non-halal animals (pigs) as a preventive measure. 5) Determination of stunning provisions, type selection, and technical implementation must be supervised by experts who guarantee the realization of conditions a, b, c, and d.
- d. Classifying animals, the law is haram (Indonesia, 2009).

Third, the recommendation component. Some points of recommendation are: 1) The government is asked to make this fatwa a guideline in determining the standards for slaughtering animals consumed by Muslims. 2) The government must immediately implement slaughtering standards that are correct according to Islamic law and safe in health at slaughterhouses to ensure the rights of Muslim consumers to consume

halal and *tayyib* animals. 3) LPPOM MUI is requested to immediately formulate operational technical guidelines based on this fatwa as a guideline for auditing halal slaughter, both at home and abroad.

The codification of the verses of the Qur'an regarding Slaughter was: 1) QS. Al-Ma'idah [5] :3), (QS. Al-An'am [6] :121), QS. Al-A'raf [7]: 157), QS. Al-Ma'idah [5] :1), and (QS. Al-Nahl [16]: 5). The codification of Hadith regarding Slaughter were: *Sahih* Muslim juz 3 page 1548 hadith number 1955, *Sahih* Ibn Hibban juz 13 pages 199, Sunan al-Tirmidhi juz 4 page 23, Musnad Ahmad juz 4 page 142, Sunan al-Baihaqi al-Kubra juz 9 page 278, Musnad Ahmad juz 2 page 108 hadith number 5864, and al-Sunan al-Kubra li al-Nasai juz 5 page 55 hadith\ number 8189.

Regarding the validity of the slaughter, one must pronounce the name of Allah (*basmalah*), al-Bahuty, in one of his books, *Kashshaf al-Qina'*. Regarding animals that are slaughtered and have not completely died, which are marked by the movement of their bodies, Ibn Quddamah gave a statement (*qaul*) that if there is an animal that has been slaughtered and then its body moves and has not died and then falls into the water or is hit by something on it then the animal is not eaten, namely hit by something that generally causes death. This opinion is what Imam al-Kharqi mentioned as the opinion of Imam Ahmad (Al-Bahuti & al-Hanbali, 1982). Meanwhile, most of the *mutaakhhirin* scholars who follow the Hanbali school stated that this is not haram. This is the view of most jurists (Qudâma, 1992).

Some of the scholars' opinions above are included in statements in classical literature, but have *'iba>rah al-nas* which can be related to operational practice at this time. Among the contemporary scholars referred to regarding mechanical slaughter is the opinion of Wahbah al-Zuhaily. According to him, there is no obstacle to using means that weaken the movement of animals without torture (for slaughtering animals). For this reason, in Islam, modern non-lethal stunning methods are permissible before slaughter.<sup>1</sup>

This representative statement of Wahbah al-Zuhaily provides an opportunity to understand that stunning is allowed. The condition is that the practice does not kill the animal before slaughter. Wahbah al-Zuhaily does not *muqayyad* mention the stunning, but only strengthens the statement of the principle of permissibility as long as it does not kill the animal before slaughter.<sup>2</sup>

The MUI fatwa allows stunning as long as the slaughterer and the Slaughterhouse can pay attention to: a) the animal to be slaughtered is to be slaughtered to face the Qibla; b) Slaughter as much as possible is carried out manually, without being preceded by stunning and the like; and c) Stunning to facilitate the process of slaughtering animals. These three points are limitations or conditions for stunning to be considered permissible. If these three statements are not considered, the MUI authority will not allow and recommend manual slaughter.

However, this fatwa does not detail the types of stunning allowed. What is mentioned is only the general requirements, namely stunning only causes the animal to faint temporarily, does not cause death and does not cause permanent injury. This general statement can be expected to make the reader or user of the fatwa not clearly understand the allowed types. This allegation will encourage the slaughterer to use the stunning type at will without paying attention to the animal's welfare.

Stunning captive bolts are not allowed before slaughter. Referring to the fatwa, the stunning statement is better clarified or detailed, so that this fatwa can be useful and appropriate for fatwa users.

### Method of *Istinbat*'s MUI in Establishing MUI Fatwa

Linguistically the word *istinbāt* comes from the noun *an-nabṭ*', the masdar form of *nabaṭa-yanbuṭu-nabṭan*, which means water that comes out of the well that was first dug. According to Haitsam Hilal, the word *istinbāt*' means removing water from the ground.<sup>3</sup> Thus, the phrase *istinbāt*' is used in the sense of *al-istikhrāj*' (to issue) to give or explain something previously unclear.<sup>4</sup>

Terminologically, the word *istinbāt*' means efforts to extract meaning from texts (Al-Qur'an and Sunnah) relating to difficult and important matters by devoting the power of reason and optimal ability. The definition of the term is still general so *istinbāt*' can be done by fiqh scholars and scholars who are experts in fields other than fiqh.<sup>5</sup>

<sup>1</sup> Wahbah al-Zuhailiy, *al-Fiqh al-Islami wa Adillatuhu*, (Beirut: Dar al-Fikr, 2006), juz 4 h. 2800

<sup>2</sup> Wahbah al-Zuhailiy, *al-Fiqh al-Islami wa Adillatuhu*, (Beirut: Dar al-Fikr, 2006), juz 4 h. 2800

<sup>3</sup> Abu Zahrah, *'Ilm Usul al-Fiqh*, (Mesir: Dar al-Ma'arif, 1997)

<sup>4</sup> Abu Abdirrahman al Khalil bin Ahmad al Farahidi. *Kitaḥb al 'Ain*, Tahqiq: Mahdi al Makhzumi dan Ibrahim as Samira'i, Dar dan Maktabah al Hilal

<sup>5</sup> Nuroel Aen, *Ushul Fiqih*, (Jakarta: Raja Grafindo, 2011)

Therefore, the terminology of *istinbāt*' must be limited to the area of fiqh (Islamic law). With restrictions on the area of Islamic law, in short, *istinbāt*' is an attempt to withdraw the law from *ijtihad*.<sup>6</sup>

Related to this, the MUI fatwa product was carried out in several stages. This is stipulated in the PO MUI regarding Guidelines for Determining the MUI Fatwa set in 2016. First, before the fatwa is enacted, MUI conducts a comprehensive study to obtain a complete description of the problem being monitored. This stage is called *tasawwur* al-problem. In addition to the study, the team formulated problem formulations, including the socio-religious impact caused and critical points of various legal (sharia) aspects related to the problem.

Second, Retracing and reviewing the views of past mujtahid jurists (fiqh experts), opinions on school priests and scholars, reviewing related fatwas, and seeking the views of fiqh experts regarding issues that will be given the fatwa. Several statements in the preamble pay attention to presenting various opinions of scholars whose texts are compatible with the theme being studied. In the text of the fatwa found statements by Imam al-Qurthuby in his interpretation of the provisions of the slaughter equipment, Imam al-Bahuty in the Book of *Kashshaf al-Qina* regarding *tasmiyah* requirements in slaughtering animals, Opinions of Imam al-Syarbini and Ibn Quddamah regarding the slaughter process, Opinions of Imam al-Syarbini and Imam al-Nawawi regarding the signs of *al-hayah al-mustaqirrah*, and Wahbah al-Zuhaili's opinion regarding the procedure for slaughtering with modern tools.

Third, assigning members of the Fatwa Commission or experts with competence in the problem area to be issued a fatwa to make a paper or analysis. If the discussion is critical, the debate can involve several other commissions. This process is not officially stated in the fatwa document. The researcher did not find academic manuscript files, assignment letters, or participants handling this fatwa. However, the tradition of establishing the law is clearly stated, especially in the signatures of the MUI leadership. This evidence shows that fatwas are formulated clearly and according to procedures. The signature of the MUI leadership indicates that although the person assigned to it is not mentioned, this can be trusted as an official fatwa.

Fourth, If the law and the arguments are clear (*ma'lum min al din bi al-d}arurah*), then the Fatwa Commission will issue a fatwa by conveying the law as it is. Sometimes the question that is asked has a clear answer in the Shari'a. This *fatwa* does not come from a case with clear laws and arguments (*ma'lum min al din bi al-darurah*). Slaughter of animals, especially regarding *al-hayah al-mustaqirrah*, associated with stunning, is new. The novelty is in stunning, but the signal already exists following the fuqaha's statement regarding *al-hayah al-mustaqirrah*, as in the opinion of the fuqaha quoted.

Fifth, discussing and finding common ground if it turns out that there are differences of opinion (*masa'il khilafiyah*) among school of thought scholars. The outcome of the meeting point of opinion will be very decisive. Certain methods can be taken to reach a common ground, or if a meeting point is not reached. Textually, this stage does not appear in the fatwa text. Differences of opinion among mazhab scholars are not obvious. The jurists' understanding of *al-hayah al-mustaqirrah* has relatively the same answer. The binding sentence is that the slaughtered animal is still considered halal if there is *al-hayah al-mustaqirrah*.

Sixth, collective *ijtihad* among members of the Fatwa Commission if it turns out that there is no legal opinion among the schools or scholars. The method of determining opinion is commonly called *bayani* and *ta'liili*, as well as determining the law (*manhaj*) which the scholars of this school of thought guide. The views of the jurists referred to have similarities in terms of the general condition of *al-hayah al-mustaqirrah* with stunning. Good stunning does not result in injury or death of the animal. *Al-hayah mustaqirrah* still shows the potential for life and movement that is quite strong in slaughtered animals. In this case, the *bayani* side relates the relationship between the texts in the fuqaha's opinion. The *ta'liili* side refers to a strong conjecture (*z}anni*) between the similarity of characteristics of *al-hayah al-mustaqirrah* with stunning.

Seventh, the determination of fatwas always pays attention to the authority of legal regulation by the Shari'a. It considers the general benefit and the purpose of determining the law (*maqasid al-shari'ah*).

Considering the product Fatwa Number 12 of 2009, the determination procedure has complied with the Organizational Regulations agreed upon by the MUI. The reference to this regulation reinforces the correct and coherent assumption of the fatwa formulation process so that the fatwa does not fall out of the public's expectations of the object being studied. Related to this, the researcher agrees with the opinion and research results of Iffatul Umniati Ismail. Under its umbrella, MUI and the Fatwa Commission have carried out legal *istinbat* following basic concepts that have been standardized in the tradition of Sunni Islamic fiqh. So we have to understand the MUI legal *istinbat* methodology according to that corridor.<sup>7</sup> Fatwa Number 12 of 2009 when viewed from the substance of

<sup>6</sup> Al-Fayumi, *al-Mishbah al-Munir*, (Beirut: Dar al-Fikr, 2009)

<sup>7</sup> Iffatul Umniati Ismail, "Telaah Kritis Metodologi *Istinbat* MUI", Media Syariah, Vol. XIII No. 1 Januari – Juni 2018

the guidelines for determining the Fatwa of the Indonesian Ulema Council Number: U-596/MUI/X/1997, will be found as follows. The approach with the *Nas Qat'i* method is carried out by adhering to the Qur'an and the Prophet's hadith for a problem.

The object of the MUI Fatwa Number 12 of 2009, refers to the Qur'an and hadith. These two sources of teachings become the basis in the slaughtering process, but do not refer directly to the side of stunning the animal before it is slaughtered. The object being punished is not stated now in the Qur'an and hadith. Thus, this fatwa does not refer to the *Nas Qat'i* approach which is the argument for the object being punished, but only becomes the basis for the object being punished.

The approach with the *Qauli* method is establishing a fatwa based on the opinion of the school's imam in the leading fiqh books (*mu'tabarah*). This approach is used if the answer to the problem being sought has been satisfied by the opinions of the scholars of the schools of thought in the leading fiqh books. There is only one opinion (*qaul*), unless the statement of the existing *qaul* is considered irrelevant to be used as a reference grip because it is challenging to implement (*ta'assur*), or because the legal reason (*'illah*) changes. In this situation, it is necessary to re-correct as exemplified by previous scholars. Therefore, it should not be fixed on the opinions of previous scholars who have existed if that opinion is no longer relevant to be used as a benchmark.

The *manhaji* approach is an approach to determining the fatwa by using the rules of fiqh (*al-Qawa'id al-Fiqhiyyah*) and the method developed by the priests of the schools of thought in formulating the law of a problem. The *manhaji* approach is used through collective *ijtihad* (*ijtihad jama'i*), by using the method of bringing together two different opinions (*al-jam' wa al-taufiq*), by choosing the opinion that has a stronger argument (*tarjih*), by comparing the issues raised by the law. there is a problem for which there is a legal stipulation in the books of fiqh (*ilhaq*) and *istinbati*.

Fatwa Number 12 of 2009 is a collective *ijtihad* involving every competent person in their field. In addition to Islamic law experts who refer to the Qur'an, hadith, and the opinions of previous scholars, this fatwa is formulated by taking into account the opinions of experts in the fields of biology, medicine and cosmetics and the LPPOM MUI team.

The MUI Fatwa No. 12/2009 is full of the *bayani* approach. This can be seen on the side of the text of the Qur'an and the hadith that is used as a reference. The verse of the Qur'an is used as a reference for mentioning the name of Allah SWT in the slaughtering process, mentioning some things that are forbidden to eat, and the benefits of the results of the slaughter, and in the hadith. In addition to verses and hadiths, the *bayani* aspect is also shown by the opinions of previous scholars.

The *ta'lii* method can be seen in the quote about *al-hayah al-mustaqirrah* and stunning. The term stunning has not been found at the time when scholars compiled books. Because the references used revolve around classical times. However, hints regarding this matter have been mentioned in the term *al-hayah al-mustaqirrah*.

Ibn Qudamah gives a statement (*qaul*) that if there is an animal that has been slaughtered and then its body moves and has not died and then falls into the water or is hit by something on it then the animal is not eaten, that is, something that generally causes death. This opinion is what Imam al-Kharqi mentioned as the opinion of Imam Ahmad. Meanwhile, most of the *mutaakhhirin* scholars who follow the Hanbali school stated that this is not haram. This is the view of the majority of jurists.<sup>8</sup>

The conditions for the slaughtered animal must be ensured that there is still strong movement after cutting the respiratory tract and food (*al-hayah al-mustaqirrah*). Al-Sharbini states this explanation in *al-Iqna'*, which states that the sign of *al-hayah al-mustaqirrah* is a strong movement after cutting the respiratory tract and food channel according to a more valid opinion in *al-Zawa'id* and *al-Majmu'*.<sup>9</sup> Imam al-Nawawi in the book *Raud}ah al-T{a>libin*, among the signs of *al-hayah al-mustaqirrah* is a strong movement after cutting the respiratory tract and food channels and gushing blood.<sup>10</sup>

The findings on this *istislahi* include: 1) Slaughter as much as possible is carried out manually, without being preceded by stunning and the like. 2) Stunning to facilitate the process of slaughtering animals is legal, provided that: a) stunning only causes the animal to faint temporarily, does not cause death and does not cause permanent injury; b) aims to facilitate the slaughter; 3) its implementation as a form of *ih}sa>n*, not to torture animals. 3) Determination of stunning provisions, type selection, and technical implementation must be supervised by experts who guarantee the realization of the stipulated slaughtering conditions.

<sup>8</sup> Imam al-Nawawi, *Raud}ah al-Talibin*, (Mesir: Dar al-'Ilmiyyah, t.t.), juz 3 h. 203

<sup>9</sup> Al-Syarbini al-Khatib, *al-Iqna'*, (Beirut: Dar al-Fikr, t.t.), juz 2 h. 579

<sup>10</sup> Imam al-Nawawi, *Raud}ah al-Talibin*, (Mesir: Dar al-'Ilmiyyah, t.t.), juz 3 h. 203



## The Implementation of the MUI Fatwa in Slaughtering Animals at Slaughterhouses in West Java

In carrying out animal slaughter, slaughterhouses must pay attention to the animal slaughtering standards that have been determined. This is a focal point on the impact of halal and healthy slaughtered products. There are hundreds of slaughterhouses in West Java, both managed by the government and private. A number of these slaughterhouses slaughter animals which cows dominate. The results in the field showed that the cow's skull broke when a captive bolt was applied. This fact indicates that animal welfare is not being considered. However, the results of field confirmation, animals are still alive before being slaughtered, even though their interest is not respected.

This observation also indicates that the slaughtering process is also wanted to meet the supply of meat in the market. However, the animal welfare criteria are not taken seriously. What is found in the field, indicates not paying attention to welfare. The reality, especially on the welfare side, is not following the MUI fatwa. So this is a problematic finding. Animal welfare must still be used as a basis in the slaughtering process. This is contrary to the provisions of the fatwa, especially regarding stunning. Slaughtering with a stunning system in several Indonesian Slaughterhouses is considered not feasible. This is because, some of the findings of animals slaughtered by stunning, were deemed not following the Shari'a and halal standards.

In the slaughterhouses studied, both in Cianjur, Sukabumi City, and Sukabumi Regency, slaughtering payed attention to halal according to the Shari'a. No slaughtering process was found outside the shari'a provisions. This condition convinced consumers that the slaughtered meat was declared halal. Although there were several incidents related to stunning but not all, causes skull fracture. However, information in the field found that the skull fracture did not cause the animal's death before slaughter. The best in halal management for the slaughter process is seen in Artha Makmur. In the slaughtering process that produces meat, this slaughterhouse is subject to the Halal Management System in SNI 990001 of 2016. This standard of halal management system is intended to assure the halalness of products consumed by the public so that comfort, security, safety, and certainty of the availability of halal products are achieved for the public in consuming and using products, as well as increasing added value for business actors to produce and sell halal products.

## CONCLUSION

The MUI Fatwa Number 12 of 2009 has provided a detailed explanation of the standards for slaughtering animals. The reference used follows the regulations regarding the preparation of fatwas set by the MUI. The order of fatwa references has been systematized with demands ranging from the Qur'an, hadith, opinions of scholars, and fatwa decisions. The Fatwa has detailed Standards for Slaughtered Animals, Standards for Slaughterers, Standards for Slaughter Equipment, Standards for Slaughter Processes, Standards for Processing, Storage and Shipping, and others. This fatwa also regulates stunning to facilitate the process of slaughtering animals; it is legal, provided that: 1) stunning only causes the animal to faint temporarily, does not cause death, and does not cause permanent injury; 2) aims to facilitate the slaughter; 3) its implementation as a form of *ihsan*, not to torture animals; 4) Determination of stunning provisions, selection of types, and technical implementation must be under the supervision of experts who guarantee.

Three approaches are used as points of view on the fatwa, namely *bayani*, *ta'limi*, and *istislahi*. In the *bayani* method, the text of the Qur'an and hadith and the opinions of the jurists have been clearly illustrated. The *ta'limi* method is found in quotes about *al-hayah al-mustaqirrah* and is stunning. The term stunning has not been found at the time when scholars compiled books. Because the references used revolve around classical times. However, hints regarding this matter have been mentioned in the term *al-hayah al-mustaqirrah*. The *istislahi* method is found in the statement regarding the slaughtering process and saying the name of Allah SWT in the slaughtering process, this fatwa pays attention to the benefit aspect of stunning.

Implementing the MUI fatwa regarding the certification of animal slaughter at several slaughterhouses in West Java is not following the Shari'a in the majority. This is based on the empirical fact that many slaughtering treatments do not follow the MUI fatwa, especially those using the stunning captive bolt method. The majority of the stunning results failed, namely skull fracture, the condition was not following what was recommended based on the *fatwa* with the provisions that stunning was intended to maintain animal welfare; to simplify the slaughtering process; and there should be no permanent injury and when slaughtered, there is still *al-hayah al-mustaqirrah*. Attention to the substance of the *fatwa* tends to be ignored by some Slaughterhouses.

Regarding the Halal Assurance System, slaughterhouses can refer directly to HAS 23000 or SNI regarding slaughter. Every slaughterhouse should pay attention to the slaughter standards, animal welfare, and storage of

slaughtered meat. Slaughterhouses are required to implement a Halal Assurance System. Implementing this Halal Assurance System will prove that the slaughterhouse complies with procedures and guarantees the halal aspect. Law and Sharia tools are the basis for slaughtering at Slaughterhouses. Thanks are conveyed to the leadership of the Slaughterhouses, MUI members, and supervisors, who have supported this research.

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