

# CONCEPTS AND PRACTICES OF HALALAN TAYYIBAN IN THE ISLAMIC MANUFACTURING PRACTICE (IMP): AN ANALYSIS FROM SYARIAH PERSPECTIVE

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## ABSTRACT

*In Malaysia, halal tawwuf has been conceptually practiced through the implementation of halal standards and enforcement of halal certification to ensure all Muslim would excess halal food. However, there is Muslim community which put the high standards of halal tawwuf by designing the guidelines of manufacturing practice namely Islamic Manufacturing Practice (IMP). They emphasizes that the term tawwuf must be analyzed from tasawwuf dimension which should not confined from fiqh dimension alone because all food taken will transform to flesh and blood of the Muslim. Therefore, any kind of food which is considered as halal tawwuf must be clean and pure both physically and spiritually. This paper aims to discover the guidelines of IMP as well as to shed lights the interpretation of halal tawwuf by Muslim scholars. As a qualitative research, it employs the content analysis from fiqh literatures concerning the principles of Islamic jurisprudence towards halal and haram in Islam. The result indicates that halal tawwuf must be referred to the formative rules over the substances with the guidance of texts and masalah-mafadah outlook. In the context of halal industry, the guidelines of IMP are designed based on Islamic teaching but not practically realistic for mass production. (199 words)*

**Keywords:** *(halalan, tawwuf, IMP, fiqh, syara', wara' and tasawwuf)*

## INTRODUCTION

The issue of halal food industry remains as one of the major subjects of tourism, hospitality, economy and syariah discourse in the Muslim world. It is noted that The United Nations (UN) has cited Malaysia as the world's best example of benchmarking of halal food in accordance with the Codex Alimentarius Commission adopted the Codex general guidelines for the use of the term halal in Geneva in 1997. This is because a single halal standard is applied throughout the country with the result that the Malaysian standard has become the basis for the development of the world's halal food industries (SME Annual Report 2006, 2007).

Besides the world's recognition to Malaysia in halal benchmarking, it was found that consumer still has skeptical attitudes towards halal logo and certification, even though

industry has found that the logo and status can be a marketing tool for business expansion (Mohd Aliff et. al., 2015). This issue appears around the assumption that the integrity of halal certification is questionable and doubtful in a way of its loose supervision and surveillance in manufacturing process. Among halal issues that arisen are including improper hygienic practice at processing premises and also the expiration of halal certification. At the same time, halal logistics capabilities are critical in ensuring that the halal integrity of the supply chain works from farm to fork (Tieman, M., 2007). Another case related to doubtful halal product reported by the mass media is the use of halal logo. Some examples are the discovery of a dirty bread factory that uses halal logo (<http://www.muslimconsumer.org.my>), the use of halal logo on food produced from unslaughtered chicken (Berita Harian, 20 February 2008) and many others. Hidden ingredients from various sources present another serious problem for Muslim consumers (Riaz & Chaudry, 2003). The various reports on the issues of fraud in the halal food industry shows that there are some weaknesses in the procedure to determine halal food.

The abovementioned issues have consequently created the argumentation of *halalan tayyiban* in food manufacturing process among Muslims in Malaysia. The issue is whether the practices of halal procedures and standard really undertake the reflection of *halalan tayyiban* interpretation from the Quranic texts. One community namely Islamic Manufacturing Practice (IMP) claimed that procedures and standard reference used by the Department of Islamic Development Malaysia (JAKIM) prevails its validity according to the formative framework of *syariah* over its substantial indication of *halalan tayyiban*. This group interprets the term *tayyiban* technically from *tasawwuf* dimension which should not be confined from *fiqh* dimension in isolation. This is around the fact that all food consumed will transform to flesh and blood of the Muslim. Therefore, any kind of food which is considered as *halalan tayyiban* must be clean and pure both physically and spiritually. It encompasses the sources of the food as well as a person who prepares the food. Therefore, Islamic Manufacturing Practice (IMP) guideline was introduced in 2005 by IMP community in fitting the expectation of Muslim and fulfilling the gap between formative and substantial of *halalan tayyiban* rules.

Therefore, this study aims to investigate the concept and practice of *halalan tayyiban* through the procedures and guidelines by IMP. It is expected that the practices would significantly indicate the underlying concepts of *halalan tayyiban* interpretation by IMP through the guidelines shown. Specifically, the research questions that this study aimed to address are:

- i. To identify the interpretation of *halalan tayyiban* from Islamic scholars.
- ii. To analyze the practices of *halalan tayyiban* by Islamic Manufacturing Practice (IMP) from *syariah* point of view.

This paper reports on a study that investigated the procedures used by IMP to determining the concept of *halalan tayyiban* in the guidelines of manufacturing practice. To achieve this purpose, this paper is divided into four main sections. In the first section, this paper addresses the background of the study, research problems as well as to introduce IMP as a case study in this research. The second section describes the concept of *halalan tayyiban* and other relevant concepts which were used as the basis to develop a *halalan tayyiban*-based framework for determining manufacturing practices. The third section analyzes practices of *halalan tayyiban* by Islamic Manufacturing Practice (IMP) from *syariah* point of view. This section also presents the findings whether the concepts and practices of IMP are in line with tenets as well as spirits of *syariah*. This paper ends with the conclusion as the final section.

## IMP at Glance

The guidelines of IMP was established around 2005 by the Muslim community who aware and realize the importance of *halalan tayyiban* to be practiced in the manufacturing sectors. The framework of guidelines was grounded by Islamic principles where it encompasses the process of manufacturing, surrounding of workplace and personnel involved in preparing the foods. The inspiration of Islamic Manufacturing Practice (IMP) guideline was in line with the positive development of the financial system in the country in that particular time.

This study will analyze the guidelines of IMP from the founder of IMP and Sidratul Corporation, Tuan Haji Ahmad Tajuddin Arshad who owned the commercial manufacturing premise located in Taman Perindustrian IKS MIEL, Kuala Kangsar, Perak. He designed the guidelines of IMP with the assistance of IMP community due to awareness of Islamic principles to be practiced holistically in food preparation as people's lack of confidence on JAKIM's halal logo. For him, halal industry is not only for the sake of business and profit orientation but rather the responsibility to offer the best quality of food physically and spiritually or *halalan tayyiban* as it is ordained by Allah SWT in the Quran.

According to Tuan Haji Tajuddin, his factory has been involved in the manufacture of food products, cosmetics and several products through the popular Original Equipment Manufacturer (OEM) Contracting Schemes such as Jus Tok Guru, Hiraq, Qaseh, Mangosteen Juice and several other brands. His commercial activity is still working and he maintains the guidelines of IMP as he believes that his endeavor is part of communal obligation and striving for the excellent in the worldly affairs and hereafter.

The vision of IMP is materialized by the efforts of the community where the main purpose of the community is to ensure that Muslim consumers would consume the products that Allah SWT ordered people to consume, which is *halalan tayyiban*. For them the term "lawful and good" refers to a food that could (by Allah's permission) change the mind, feelings, soul and human morality from darkness to the guidance of God. In addition, the community also provides opportunities for Muslim entrepreneurs to make some profits on this business as well as supplement their existing resources. Members of IMP community would also establish relationships through education and awareness programs such as *usrah*, *tazkirah*, *rehlah* and teaching that provide knowledge and practice with clear knowledge in order to reach Allah's consciousness.

The existence of IMP was significant due to the fact that the Muslim community in Malaysia have been exposed to food products produced by anonymous where the content and methods of food preparation are ambiguous and uncertainty. Most factories have halal certificates but since the process of monitoring halal certification is not carried out on a daily basis, it might invite suspicions (*syubhah*). Therefore, the IMP is inspired in producing food that is not only in accordance with halal standards but a food preparation method should meets the objectives of *tayyiba* principles by getting rid of *syubhah* matters.

Moreover, this guideline is intended to be the standards based on Islamic concepts that would convince the public about the halal products. It is not only legally valid but also complies with *syariah* tenets and *halalan tayyiban*. Accordingly, there are differences between IMP and Good Manufacturing Practice (GMP) concepts. According to IMP, GMP is just one of the standards for the manufacturing process that includes only the safety and efficiency principles

of producing a product. However, IMP was designed to offer value-added elements where the quality of personnel and environment are critically emphasized in the guidelines. The practice becomes crucial in determining the concept of *halalan tayyiban* in the true sense. IMP does not only look at purity from the outward and the physical aspect, but also the purity of the spiritual dimension. It is a standard for the manufacture of products that are not only halal but have the blessing of Allah. For IMP, the manufacturing sectors must equip the best practice of friendly *ibadah* in the factory or workplace as the food is manufactured in *ibadah* environment that yields the quality of *halal* food. In fact, IMP is a guideline that educates business owners and employees to adopt the Islamic way of life as a work ethic and way of life, so that they become true Muslims.

### The Guidelines of IMP

This section focuses on three out of eight major guidelines of IMP. This paper only focuses on these three guidelines because they are among the critical points to be pointed out in the discussion on *fiqh* discipline as well as *tasawwuf* perspective in determining *halalan tayyiban*. Below are three guidelines of IMP namely (i) The Guideline of Employee in IMP, (ii) The Guidelines of Workplace Climate, and (iii) The Guidelines of Employee's Practice in the Factory

Table 1: The Guidelines of Employee in IMP

No	The Characteristics of Employee
1	Workers must be Muslims and believe in Allah and His Messenger
2	Mastering the law of cleanliness ( <i>taharah</i> ) related to him and the purity of raw materials and tools
3	Knowing the kinds of <i>mutlaq</i> and <i>musta'mal</i> water
4	Ability to read the Quran. It is necessary in the manufacturing process
5	Always in ablution
6	Start with <i>bismillah</i> and special prayers ( <i>do'a</i> )
7	There is no mix between men and women
8	Menstruating women are temporarily transferred from processing department to another
9	Employees should be free of any illnesses / infections that may affect the quality of the product / service.
10	The attire of employee should be in line with syariah
11	Records / documents of the religious status of the workers must be prepared, implemented and maintained

Table 2: The Guidelines of Workplace Climate

No	The Guidelines of Workplace Climate
1	The layout of the factory is <i>syariah</i> compliant
2	No sound music is allowed
3	Sound of al-Quran recitation
4	Awareness programs on HALAL, IMP, GMP & HACCP
5	The raw material must be halal and verified by Internal Syariah Audit Unit
6	Tools and raw materials are clean according to syariah standard. For example: clean and pure water ( <i>mutlaq</i> )
7	Conducting a three days session a week on religious understanding to all administration and personnel.

Table 3: : Employee's Practice in the Factory

No	Employee's Practice in the Factory
1	Muslim workers must practice the pillars of Islam
2	The practice of additional recommended ( <i>sunnah</i> ) <i>ibadah</i> is encouraged such as <i>duha</i> prayer and pray ( <i>du'a</i> ) recitation
3	The management should identify appropriate pray ( <i>du'a</i> ) that employees should practice and present.
4	Employee prayer records and schedules should be prepared, implemented and maintained

## FRAMEWORK OF HALAL AND TAYYIB IN ISLAMIC LITERATURES

This section sheds light on the Islamic literatures towards the concept of *halalan tayyiban*. It is significant in order to highlight the definition of *halalan tayyiban* from abundance of Islamic literature in comparison to the concept of *halalan tayyiban* by IMP through the practices in the guidelines. Initially, this paper come up with several literal definitions on halal by some scholars, then the interpretation of *halalan tayyiban* as stated in the texts by honorable Quranic interpreters (*mufasssirun*), as well as the definition of *tayyib* and *khaba'ith* where these two words are discussed jointly for understanding the reality of *halalan tayyiban*.

### The Meaning of Halal

The word of *halal* comes from the Arabic word i.e. *halla*, *yahillu*, *hillan*, *wahalalan* which is permitted or allowed by Islamic law. In al-Munjid (1981), *halal* is defined as something that is allowed by Allah SWT. Whereas in the Kamus Dewan (2015), *halal* means an act that is

permitted to be performed (in Islam), allowed (not prohibited by *syariah*), permitted, justified. It is a word that contrary to the word of *haram* (illegal).

In addition, al-Qardhawi (1994) defines halal as something is permitted, no restriction on its prohibition and permitted by Islamic law to do it. He (2002) also clarifies the definition of halal encompasses to all main food sources of human whether from animals, plants, natural sources, chemicals and micro organism where the rules of halal and *haram* are applied. Therefore, the definition of halal includes all kinds of products and services where Muslims are eligible or allowed to consume it (Zawanah, 2008).

The lawful thing will have a positive and beneficial effect, while the illegal will cause harm and misery to the people. The Islamic Art & Heritage Encyclopedia (2009) defines halal as permitted (by doing something) by Islamic law. Opinions of Zulkifli Mohd. Yusoff (2009), the word halal technically refers to everything that causes a person to be unpenalized for committing it, and something that can be performed according to *syariah*.

### **The Interpretation of *Halalan Tayyiban***

Obviously, the quranic interpretation by the interpreter is significant in understanding unseen realm that is conveyed by Allah SWT through the texts. The interpretation helps Muslims to have a better comprehension on the context of the verses. In order to reach the objective of this study, reviewing the interpretation of the interpreters is necessary. Around the concept of *halalan tayyiban*, five interpretive scholars are chosen. These are Ibn Kathir, al-Qurthubi, al-Sa'di, al-Aisar and al-Azhar interpretations.

The underlying concept of *halalan tayyiban* is based on the Quranic verses. Allah SWT says: “*O mankind, eat from whatever is on earth [that is] lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.*” (al-Baqarah: 168)

According to Ibn Kathir (2000), Allah SWT has made clear explanation that He has created and granted the sustenance to human beings, and no other being is worthy of worship besides Allah SWT, He is the One, the Sovereign, the Sources of life, the Exalted in Might, the Supreme. Allah SWT has provided sustenance to His servant, and has given permission for humans to eat everything in the world as long as the food is lawful and good. *Tayyiban* means good and not harmful to the soul and life where Allah has created for the benefit of humans.

In the interpretation of al-Qurtubi (2006), it is said that the verse was revealed to the Tsaqaf, the Khuza'ah and the Bani Mudlij. This is due to the fact that they have prohibited what Allah has permitted. However according to Imam Qurtubi this verse is a general verse. The verse does not only address the prohibited food, but include the other food. According to him, halal implies to self-independence or free will from its prohibition to eat. *Halalan tayyiban* is a good food that stimulates people to consume. On the other hand, food that could not benefit therefrom which is called as *khawai'ih* (disgusting) and dirty where it does not attract people to eat.

In the interpretation of Shaykh Abdurrahman bin Nashir as-Sa'di. (2007), Allah SWT has bestowed sustenance to all mankind, either Muslim or non-muslim, and His grace is food sources. Allah SWT has ordained people to eat everything on the earth through agricultural and livestock activities. Halal food means what Allah has stated in the texts as halal to eat.

Nevertheless stolen foods, or taking possession by coercion, or invalid possession lead to its prohibition. Obviously, the food is not only halal but it must be good, in other words the unlawful food like carrion, pigs, blood or impurities are prohibited to consume. The verse also explains that the origin of Allah's creation on this earth is permissible and good to take. However, unlawful food can be formed into two situations, that is, prohibition because of the food itself (*haram lizatihi*), and prohibition because the external factor of food (*haram lighairihi*) which is against the right of Allah and the right of human.

Hamka (1981) in al-Azhar interpretation says, Allah SWT has called upon all people to administer the resources on the earth wisely. The category of food here means the food which is lawful and good. The opposite of halal food is illegal food, which is the food that has been declared illegal by Allah SWT in the Quran such as pigs, blood, does not mention the name of Allah when slaughtering and slaughtering for idols. The food that people eat must be good as well as halal. For example a slaughtered animal meat must be cooked first which can not be eaten when it was still raw. The food also should be acquired in a legal way. In contrast, the food could not be acquired through coercion, deception, stealing and etc. The *halalan tayyiban* food shall greatly impact the body and soul of a man.

According to Abu Bakr Jabir Al-Jazairi (2010), the meaning of halal is safe from dangerous and harmful. It also implies to what is beneficial to human physically and spiritually. Whereas the word *tayyiban* means good, pure, and free from any impurities. Allah SWT has called upon people to eat and enjoy halal food that Allah has endowed on this earth. Then the forbidden matters has a detrimental and harmful effect on the human body and soul itself.

However, the jurists differed in interpreting the meanings of *al-tayyib* and *al-khabith* (plural of *al-khaba'ith*) to several opinions (Abdullah, 1984). There are three opinions which are:

- i. First opinion, view of Imam Malik. He viewed *al-tayyibat* as legal. Meanwhile, *al-khaba'ith* is illegal.
- ii. Secondly, *al-tayyibat* is something that is considered good by the Arabs, while *al-khaba'ith* is dirty by the opinion of Arab. This is the view of the Hanafi, Syafie and Hanbali schools of law.
- iii. Thirdly, *al-tayyibat* is something that is legalized by Allah, which is beneficial to religion. While *al-khaba'ith* is harmful to religion. This was the view of Ibn Taimiyyah and he made reference as majority (*jumhur*).

According to Azman Ab Rahman (2007), there are guidelines that allow us to define *halalan tayyiban* food as stated as follows:

- i. The food does not contain any part or item that is prohibited and banned by Allah SWT.
- ii. It does not contain anything that is categorized as unclean as prescribed by Islamic law.
- iii. The food is not prepared and processed by the tools and the objects that are categorized as unclean in Islamic law.

According to Sazelin and Safiah (2015), the concept of *halalan tayyiban* considers all the physical and spiritual advantages of the food to the humankind. In this regard, *halalan tayyiban* can be interpreted as foods that are permitted to be consumed (halal) and

can give benefits to the human body. In other words, food that is classified as *halalan tayyiban* is the food that fulfills the two criteria: firstly, the food is halal and taken from a halal source, and secondly, the food is a quality food as it provides benefit for those who consume it. Food that does not have these two criteria is not classified as *halalan tayyiban*, hence it should be avoided.

According to Nor Sakinah and Wan Mohd Khairul (2018), there are four criterias of *halalan tayyiban* in food consumption. There are beneficial to humans, the food is taken from valid sources, the food does not contain prohibited things by the Islamic law and does not harm to body and soul. Another study by Mohammad Amir (2016), the research explored the true interpretation of *halalan tayyiban* described by mufasir al-Quran scholars. Data was collected using non-probability sampling based on Documentary Research design from 20 Quran tafsirs including tafsir bi al-ma'thur, tafsir bi al-ra'y, and tafsir bi al-ra'y/al-mu'asir. The findings discovered six principles of *halalan tayyiban* which are; halal (100%), can be accepted by human nature (65%), hygiene (55%), nutritious (45%), safe (40%) and syubhah-free (25%).

Based on the interpretations about *halalan tayyiban* in this section, despite of different interpretations literally on the word halal, *tayyiban* or even *khabai'th*, all scholars agreed that *halalan tayyiban* must be referred to formative rules of matters (*zatihi*) that implies purity, clean, good, benefitted, allowed by Islamic law, healthy and safe. Obviously, all scholars also agree that *tayyiban* should be characterized as pure, clean and can be utilized. The opposite of halal is *haram*. While illegal (*haram*) is what Allah SWT has forbidden in the texts and it might lead to malicious, harmful, inoperable and unprofitable.

## **ANALYSIS ON IMP FROM SYARIAH PERSPECTIVE**

This section devotes the analysis on the practices of IMP from the *syariah* perspective through the guidelines as being presented in the last section. The analysis encompasses the review on IMP guidelines with a special reference to some principles of Islamic jurisprudence (*usul al-fiqh*) and purpose of *syariah* (*maqasid al-syariah*) in determining the guidelines of *halalan tayyiban*.

After recognising the guidelines of IMP in the previous section, it is noticed that the framework of IMP is grounded by the element of *ibadah* which is substantial in nature. In other words, the practice is inspired by *tasawwuf* dimension where it could not be isolated from the dimension of *fiqh*. Hence, IMP offers the value-added in the manufacturing process whereby halal certificate offers halal compliant that only fulfills the requirement of *fiqh*.

With reference to guidelines of IMP, there are some questions arise. Why only Muslim can work at IMP manufacturing? Why all workers must always in ablution in the processing department? Why IMP does not allow menstrual women in the processing department? Why all workers have to master the knowledge of cleanliness (*taharah*)?

The following question subsequently arise. Is there any proof or evidence that underlie these guidelines to imply the concept of *halalan tayyiban* as stated in the texts? If any manufacturer does not comply to IMP guidelines, does the manufacturer not Islamic?

From the questions above, it can be indicated that the based-framework of IMP is neither *fiqh* nor *tasawwuf* to imply the concept of *halalan tayyiban* if there is no proof and evidence to



support their argument. Even though the practices really concern on *ibadah* act, but it can be exposed to misconception of *ibadah* itself where *ibadah* can be categorised into two kinds namely *ibadah ammah* and *ibadah khassah*.

These two kinds of *ibadah* are common action but in a different dimension. It can not be associated where *ibadah khassah* is a personal obligation through specific worshipping act as Islam asks Muslim to fulfill it such as prayer, fasting, alms and pilgrimage. The purpose of *ibadah khassah* is to surrender Allah alone and to show ourself as a servant of Allah (*ta'abbudi*).

Whereas *ibadah ammah* is general action that is permissible by Islamic law. This *ibadah* does not require the proofs and evidences in the texts since the original matters are permissible as legal maxims says "*The origin of matter in this world is permissible until it proves otherwise.*" For example, working is categorized as *ibadah ammah* since this act has good impact to the doer. It includes sleeping, studying, eating, walking and others as long as the action is permissible and intended for the sake of Allah. The purpose of *ibadah ammah* also different where it concerns on horizontal relationship of man and other fellow man as human is a vicegerent of Allah.

Therefore, the association between *ibadah khas* and *ibadah am* is obviously awkward which is no theoretical foundation is formed. The nature of manufacturing is to produce goods or services for the sake of human interrelations and consumerism. Nevertheless, IMP has different objective where more likely to produce humanity.

From the review of *ibadah* above, there are some theoretical misconception on the understanding of jurisprudence. What IMP wants to offer is exercising of *hukm wara'*. It is related to the existence of *syubhah* matter. In this section, it highlights the explanation of *syubhah* and *hukm wara'* as being discussed by scholars.

### **Determination the Rule of Suspicion (*syubhah*)**

In the Hadith, the Prophet SAW said: "*The halal (lawful) is clear and the haram (prohibited) is clear, and in between them there are some things that are doubtful, which most people do not know - if they are Halal or Haram - Thus ,whoever avoids doubtful, safeguards his religion and honor, but one who engages in the doubtful, falls in the haram.*" (narrated by Bukhari, 52 and Muslim).

The above Hadith instructs Muslims to abstain from *shubhah* in order to get rid of committing illegal matters. Although the lawful and unlawful thing is explicitly presented in the verses of the Quran and the Sunnah, yet there are things that exist in the middle of them namely *shubhah* or obscurity in which most people are ignorant about. According to al-Muhallab, things that are between *halal* and *haram* (illegal) are subject to the original proof of legislation. Every figurative *hukm* is established based on the process by which when the proof or evidence hinders one another, the jurist tends to employ favouring (*tarjih*). Sometimes two different arguments that contradict each other lead to ambiguity and make it difficult to undertake favouring process (Ibn Battal, 2003).

Imam al-Nawawi (1392H) in Syarah Muslim describes about this hadith, where *syubhah* is something unclear between *halal* and *haram*. Therefore, the object is unknown to most

people, except the scholars (*mujtahid*) who know the principle of jurisprudence through elaboration of *nas*, *qiyas*, *istishab* and other methods of deductive activities. If a matter is in between *halal* and *haram*, while neither proof nor *ijmak* are explicitly found, then the *mujtahid* are responsible in determining the rules through deduction process by referring it to one of the authoritative proofs.

Thus, based on the above hadith, apparently the matter of *syubhah* should not be decided in arbitrary unless through the process of examination and refining the existing arguments, knowing the background of the issues and undertaking due diligence. Of course, a person who is eligible to carry out the process is none but only a *mujtahid* does. Therefore, the basic principle is identifying the real *syubhah* and subsequently avoiding it.

Without a thorough analysis on the matters of *syubhah*, consequently there are disputes among people in determining the reality about *halal* and *haram* especially in food consumption. In this case, the interpretation of the texts is confined according to textual-based analysis and disregards the works according to the framework of Islamic jurisprudence (*usul al-fiqh*) and a purpose of Syariah (*maqasid al-syariah*). As a result, there are misconception on *syubhah* where it againts to its reality. However, this problem only could be solved by identifying the interaction between proofs from the texts (*dalil*), knowledge in deducing the hukm (*istinbat*) and the reality.

### **Hukm Syara' and Hukm Wara'**

The discourse on *hukm syara'* and *hukm wara'* have been debated by classical jurists in determining the solution of the best practice of *ibadah* and *muamalat* in Muslim's life. The Muslim jurists had different opinions on prevailing formative over the substancial element of rules especially in the case of *muamalat*.

On the one hand, *hukm syara'* means a rule for the act or behavior of *mukallaf* by the process of deductive activity through particular sources such as Quran, Sunnah, *ijma'*, *qiyas* and others (Zaidan, 1990). This definition emphasizes the ruling is based on formative element that encompasses outward action and could be judged physically. On the other hand, *hukm wara'* is based on the principle of *tasawwuf* that addresses the issues of substances. The element of *ibadah* in every aspect of life is the fundamental idea where Allah SWT is absolute and the ultimate purpose of Muslim's life. According to hadith, the Prophet said about benevolence (*ihsan*): "*Ihsan is to worship Allah as though you see Him, and if you cannot see Him, then indeed He sees you*". (Bukhari and Muslim)

Imam al-Syafie RH prevails formative element of *hukm* over the substance because he considered that the deeds and actions of the *mukallaf* are subject to rules and judgement without notifying the position of his or her intention. Therefore, Imam al-Syafie opined greater weight is given to words and form rather than intention and meaning (ISRA, 2013). As long as the deeds are outwardly good or right, the *hukm* is pleasantly ruled, and vice versa. This argument was established around the view that the inner intention is hardly ruled because it is intangible matters and would lead to misjudge and injustice to the doers. In fact, whatsoever inside the man's heart is only in the knowledge of Allah SWT.

However the majority of jurists opined the fundamental of *hukm* is based on the intention as Prophet Muhammad said in the hadith: "*Verily, deeds are only with intentions. Verily, every*

*person will have only what they intended. Whoever emigrated to Allah and his messenger, his emigration is for Allah and his messenger. Whoever emigrated to get something in the world or to marry a woman, his emigration is for that to which he emigrated.*" (Narrated by Bukhari, 54 and Muslim, 1907)

Even though formative element is crucial in determining the judgement, but the intention is a principle of all deeds as Islamic legal maxim says: "In contract, greater weight is given to intention and meaning than words and forms" (Ali Haidar, 1991).

Therefore, the deed is considered as a branch and intention is a principal where the branch should follow the principal as Islamic legal maxim says: "What is Auxiliary (to something in fact) is auxiliary (to it in ruling)" (Suyuti (al), n.d). Despite different opinions about form and substance on rules, but they agreed on the matters of rewards and sinful where the permissibility sometimes might lead to blameworthiness. Therefore, the discussion on *hukm wara'* appears.

There are some people who avoid an act for the sake of *wara'* (substance) and cautious action. In this regard, Imam al-Ghazali (2010) divided *wara'* into four stages, namely:

- i. *wara' al-u'dul*: leaving a certain act that is agreed by all scholars (*ulama'*) without dispute on its prohibition. This category of *wara'* emphasises on leaving the prohibited acts according to the clear *dalil* and explicit legal proofs where there is agreement among all scholars on its prohibition such as eating pork or consuming liquor.
- ii. *wara'* in leaving a certain act by the righteous people. This refers to a man who leaves the *syubhah* matter as a precautionary measure such as a hunted animal being shot and injured but eventually lost and then found dead. However, it is unclear whether the animal died from a gunshot or other uncertain causes. This category is a practice of righteous people who avoids the conjecture between *halal* or *haram*. In fact, he also avoid himself from committing such an act even though a *mufti* declares its permissibility according to formative rules (*hukm zahir*). This is based on the Hadith: "Leave matter which doubts you, to the matter which is undoubt". (*Al-Baihaqi*: 5363, 2003).
- iii. *wara'* that implies the devotion of the pious people to abandon permissible act where consequently might lead to a way of evil. This category of *wara'* refers to the act of awareness and precautions on permissible matters but might open an evil way. For example getting rid of excessive eating that lead to laziness or neglect to perform the duties properly.
- iv. *Wara'* that implies to the trustworthy (*siddiqin*) act. For them, *halal* is not only permissible matter by Allah SWT but eventually the act does not lead to cause of evil or harmful. Moreover, every single act must be referred for the sake of Allah alone, strive to achieve the ultimate goal of life in the world and hereafter and devote his life only to serve Allah alone.

In short, the term *wara'* by Imam al-Ghazali implies to getting rid of any act, behavior or matter that are clearly forbidden in the texts or *ijtihad* by the scholars. In addition, giving great precautions on conjecture matters even though it has been decided as permissible by the authority such as *mufti* or religious institution.

However, Imam al-Ghazali (2010) argued that *syubhah* must be evaded and left out when it is supported by doubt or speculation without justifiable proofs or signs. He mentioned: “*The syubhah that must be avoided is the syubhah that is born from doubt. However, doubt appears when two different views are encountered. Therefore, a doubt exists when it is based on weak reasons or evidence to justify two opposing views which are equally strong*”,

In other occasion, Imam al-Ghazali advised to be vigilant in practicing *wara'*. This is based on the hadith where the Prophet Muhammad cursed the extremist. He said: “*Destroy the extremes.*”

Sheikh Tuan Muhammad Yasin by Tahalahar (n.d.) made a commentary with regards to the view of Imam al-Ghazali. He said: “*..and a part of doubt by syaitan is cleaning up the unfilthy matter, that is simply wahm, as cleaning a mat and a house and all leaves, woods, vegetables and fruits, and new clothes bought from non-Muslim, so all of these acts are merely blameworthiness innovation (bid'ah) by syariah law, and do not assume that a person is noble and pious when he undertakes this acts and even he is pleasantly kind.*”

### **Maqasid al-Syariah as Based Framework**

Maqasid al-syariah is based on the idea or concept of *maslahah*. Syeikh 'Izz al-Din 'Abd al-Salam (1999) said in his book *Qawaid al-Ahkam fi Masalih al-Anam*, “*Syariah is all benefit (maslahah), whether acquiring benefit, or eliminate harmful (mafsadah).*” This idea is supported by many scholars, such as Ibn al-Qayyim al-Jawziyyah (n.d.) in his book *I'lam al-Muwaqqi'* in mentions “*syariah is formed by the foundation of wisdom (hikmah), benefit (maslahah) of man in the world and next, justice ('adl) to all, compassion (rahmah) to all, wisdom to all and benefit to all.*” He completed his statement by saying “*When every syariah problem is solved from justice to unjust, from wisdom to ignorance, from compassion to what is contrast to, from benefit to harmful (mafsadah), all are not syariah even though interpretation (ta'wil) has been inserted.*” This what is happening in many places when there are some people and even scholars fail to interpret the matters where the rules is tightly based on textual without contextually is tolerated.

The statement of Ibn Qayyim which addresses the universal values of justice, wisdom, compassion and benefit is obviously in line with the idea of Imam al-Shatibi as ultimate goal of syariah when he opined all these principles are accepted universally as general induction (*istiqra' kulli*) from the texts. Therefore, any rule especially figurative proofing (*zanniyyat al-dilalah*) which contradict with the principle of justice (for example) is void. For al-Shatibi (1991), general purpose of syariah (*maqasid kulli*) is grounded by the principle of *maslahah* where it has strong relation to the preservation of essentials (*daruriyyat*), complimentary (*hajiyyat*) and embellishment (*tahsiniyyat*) in this life.

According to al-Shatibi, the preservation of *maslahah* which is *daruriyyat*, *hajiyyat* and *tahsiniyyat* shall not be void even there are contradict with the specific proof which is *zanni* in the texts (Ahmad Badri Abdullah, 2018). For him, to preserve *daruriyyat*, Islamic law has enacted some rules to be implemented such as prescribed punishment (*hudud*) and retaliation (*qisas*) in order to preserve five essentials namely religion (*al-din*), life (*al-nafs*), reason (*al-'aql*), progeny (*al-nasl*) and property (*al-mal*).

Syariah also has guided some principles to be implemented for someone who are in dire need such consuming non-halal food to preserve life from die. This is around the fact that preserving life is compulsory as Allah has ordered not to kill a self. Allah says: “*Do not kill self which is prohibited by Allah except in matter of truth*” (al-Isra’: 33). This verse has inducted the specific rule into general principle of life preservation even in the situation of hardship (*darurah*). The maxim has been developed by scholars such as “*Hardship renders prohibited things permissible.*”(al-Suyuti, n. d., Ibn Nujaym, n.d.)”. This principle is tolerated when dealing in extreme circumstances as long as the five essentials are safeguarded. Other maxims in al-Asybah wa al-Naza’ir by al-Suyuti and Ibn Nujaym support to the former maxim to imply the flexibility of syariah such as “*When a matter tightens, it shall widen, and vice versa.*” The maxim means that whenever or wherever Muslims experience unexpected hardship preventing them from applying some *syariah* commands, *syariah* system simplifies this hardship. On the other hand, if the hardship ends, things should return to the ordinary state of *hukm al-asl* (the verdict of the origin).

In the category of *hajiyyat*, Islamic law has allowed to *mukallaf* to carry out concession (*rukhsah*) in the condition of difficulties (*masyaqqah*). According to Ibn Nujaym (n. d.) there are seven reasons of concession namely travelling (*safar*), disease (*marad al-maut*), coercion (*ikrah*), forgetfulness (*nisyan*), ignorance (*jahl*), widespread affliction (*umum al-balwa*) and deficiency (*naqs*). For instance, someone has a right to break his fast when he is in travelling even though no difficulty is occurred. This category implies the principle of forgiveness when people are facing difficulties in life. So does in the category of *tahsiniyyat*, people can perform prayer in many places such as in the field, in the highway or even in the classroom because it never void the general objective of performing prayer. So this category implies the principle of good practice where Allah loves someone who does the best and looking for the perfection in life. As Allah says in Qudsi “*Indeed Allah is beautiful and He loves beauty.*”

Based on the discussion of maqasid al-syariah above, Rashid Reda has elaborated the issues of social degeneration in the majalah al-Manar where in determining the relationship of social, civil and commercial transaction, it must isolate themselves from religious doctrine with special reference to *ibadah* which is specific, static and unchangeable in its nature (Muhammad Faisal, 2018). Absolutely, the matters of *ibadah* are referred to al-Quran and al-Sunnah as primary sources, but when it relates to social contact and human relationship where no explicit evidence (*qat’ie*) is available, the deductive method of ruling should be based on the interaction between texts (*dalil*) and context or reality (*uruf*) where it shall enlighten the dynamicity of social dimension. As a result, the general induction methods of rulings in social context produce maqasid-based framework which interacts the element of dynamism and flexibility of syariah in generating society empowerment. This framework (maqasid al-syariah) is materialized by implementing the principle of justice, recognizing *maslahah-mafsadah* relation, and interacting textual-contextual such as hardship, difficulties, concession, *umum al-balwa* and many others.

## Findings

After a content analysis in the last section has been discussed, this section attempts to report the findings on guidelines of IMP according to the perspective of *syariah* and principle of Islamic jurisprudence.

- i. Obviously, the guidelines of IMP generally does not against the teaching of Islam since the practices address the additional practice of *ibadah* as long as the *ibadah* is permissible in Islamic law.
- ii. Some of the guidelines were developed without any foundation of *syariah*-based framework where there is no proof of its legislation such as i.e. why only Muslim can work at IMP manufacturing? Why all workers must always in ablution in the processing department? Why IMP does not allow menstrual women in the processing department? Why all workers have to master the knowledge of cleanliness (*taharah*).
- iii. IMP attempts to offer the value-added of manufacturing practice through the guidelines that are grounded by *tasawwuf*-based framework where all actions must be associated to specific *ibadah*. In general argument, there is nothing wrong to implement the concept of *ibadah* in the manufacturing process, however there are some *fiqh* implications that emphasizes on the reality where some principles in maqasid al-syariah are isolated such as the principle of *darurah*, *masyaqqah*, *umum al-balwa*, *maslahah* and *mafsadah* and etc, which the foundation of all of these principles are induced from the Quran and Sunnah.
- iv. The practice of IMP is based on the principle of *hukm wara'* so as to reflect the concept of *halalan tayyiban* in manufacturing practice. They propose the *tasawwuf*-based framework in defining *halalan tayyiban* where most of the scholars agreed that *halalan tayyiban* must be referred to formative rules of matters (*zatihi*) that implies purity, clean, good, benefitted, allowed by Islamic law, healthy and safe over the substances of *tayyiban*.
- v. IMP guidelines can potentially become Muslim Friendly Manufacturing Best Practice Standard. Nevertheless, there are some modification is suggested where the maqasid-based framework which consists the application of *syariah* and Islamic jurisprudence should be taken into account as a foundation of the standard.

## CONCLUSION

This study is conducted to know and analyze the theoretical framework of IMP through its guidelines according to *syariah* perspective. Obviously, IMP introduces the practice of *ibadah* in manufacturing practice so as to reflect the concept of *halalan tayyiban* rules. It shows that spiritual dimension plays an important role in materializing this concept into the public. In Islamic point of view, the guidelines stated are not against to Islamic teaching but this practice is questionable whether it can be practiced in manufacturing mainstream. Since the guidelines are relatively difficult to be executed, it is suggested that this guideline is step up to the Best Practice Standard with some modifications according to the maqasid-based framework where it is more realistic especially when dealing with massive halal industry.

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