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## **The Protection of Animals under Malaysian and Islamic Law**

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**Abstract :** The topic of animal protection within the framework of Islamic law is receiving more and more attention in contemporary society. Even though the Quran and hadiths contain explicit verses highlighting the significance of protecting animal rights and welfare in connection to environmental conservation, numerous instances of animal abuse and cruelty continue to occur at all societal levels. According to a report published by the Department of Veterinary Services (DVS), there has been a significant rise in animal abuse instances in Malaysia. From 2021 to June 2024, 7,613 abuse complaints were received, with the biggest number occurring in Selangor. Dogs are the most mistreated animals, followed by cats and other creatures. This problem is not limited to animals. The ecosystem's equilibrium, human-environment relations, and animal welfare are all impacted by this problem. Hence, the objective of this study is to analyse how Malaysian and Islamic law treat animal protection. This study's methodology is qualitative and focuses on gathering data from a variety of primary and secondary sources, such as the Quran, hadith, books on Islamic jurisprudence, and scholarly sources like laws, books, articles, journals, and papers about animal protection and animal abuse cases. In the meantime, descriptive and comparative methods are used to analyse data. According to this study, Islam firmly condemns animal cruelty, as evidenced by numerous Quranic verses and the Prophet's (peace be upon him) hadith that stress the value of animal welfare. Islam also mandates that people treat animals with compassion. In the meantime, the Animals Act 1953 (Revised 2006) (Act 647) and the Animal Welfare Act 2015 (Act 772) in Malaysia rigorously guard against any cruelty or damage to animal habitats. Animal abuse and cruelty must be condemned in order to preserve natural harmony and ecosystem equilibrium. The findings of this study have consequences for society in terms of protecting animals in line with Islamic laws and expectations.

**Keywords:** Animal protection, animal abuse, Islamic law, Animals Act 1953, Animal Welfare Act 2015.

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**Abstrak:** *Topik tentang perlindungan hewan dalam kerangka hukum Islam semakin mendapat perhatian dalam masyarakat kontemporer. Meskipun Al-Qur'an dan hadits berisi ayat-ayat eksplisit yang menyoroti pentingnya melindungi hak-hak dan kesejahteraan hewan sehubungan dengan konservasi lingkungan, banyak contoh pelecehan dan kekejaman hewan terus terjadi di semua tingkat masyarakat. Menurut sebuah laporan yang diterbitkan oleh Departemen Layanan Veteriner (DVS), telah terjadi peningkatan yang signifikan dalam kasus pelecehan hewan di Malaysia. Dari 2021 hingga Juni 2024, 7.613 pengaduan pelecehan diterima, dengan jumlah terbesar terjadi di Selangor. Anjing adalah hewan yang paling banyak dianiaya, diikuti oleh kucing dan makhluk lainnya. Masalah ini tidak terbatas pada hewan. Keseimbangan ekosistem, hubungan manusia-lingkungan, dan kesejahteraan hewan semuanya dipengaruhi oleh masalah ini. Oleh karena itu, tujuan dari penelitian ini adalah untuk menganalisis bagaimana hukum Malaysia dan Islam memperlakukan perlindungan hewan. Penelitian ini bersifat kualitatif dan berfokus pada pengumpulan data dari berbagai sumber primer dan sekunder, seperti Al-Qur'an, hadis, buku-buku tentang yurisprudensi Islam, dan sumber-sumber ilmiah seperti hukum, buku, artikel, jurnal, dan makalah tentang perlindungan hewan dan kasus pelecehan hewan. Sementara itu, metode deskriptif dan komparatif digunakan untuk menganalisis data. Menurut penelitian ini, Islam dengan tegas mengutuk kekejaman terhadap hewan, sebagaimana dibuktikan oleh banyak ayat Al-Qur'an dan hadits Nabi (saw) yang menekankan nilai kesejahteraan hewan. Islam juga mengamanatkan bahwa orang memperlakukan hewan dengan belas kasihan. Sementara itu, Undang-Undang Hewan 1953 (Revisi 2006) (Undang-Undang 647) dan Undang-Undang Kesejahteraan Hewan 2015 (Undang-Undang 772) di Malaysia secara ketat menjaga dari kekejaman atau kerusakan habitat hewan. Pelecehan dan kekejaman hewan harus dikutuk untuk menjaga keharmonisan alam dan keseimbangan ekosistem. Hasil penelitian ini memberikan implikasi sosial terkait perlindungan hewan yang sesuai dengan hukum Islam dan prinsip-prinsip Islam.*

**Kata Kunci:** *Perlindungan hewan, penyalahgunaan hewan, hukum Islam, Undang-Undang Hewan 1953, Undang-Undang Kesejahteraan Hewan 2015.*

## Introduction

Animals and life are inextricably linked. Animals are sentient, growing creatures that move in accordance with their own desires.<sup>1</sup> A definition of animals is also given in order to differentiate them from plants. Animals are therefore

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<sup>1</sup>Guisseppe Morales et al., "Criteria for the Legal Protection of Animals in the Legislation and Comparative Jurisprudence," *Revista de Investigaciones Veterinarias Del Peru* 34, no. 2 (2023); Carlos Montemayor, "Jurisprudence and Animal Protection," *Animal Sentience* 7, no. 32 (2023); Kristen A. Stilt, "Constitutional Innovation and Animal Protection in Egypt," *Law and Social Inquiry* 43, no. 4 (2018).

living things that differ from plants in terms of their ability to move around, react to their surroundings, absorb food, and have different cell structures. In contrast to plants, which are stationary in one location, animals are able to move freely via a variety of processes.<sup>2</sup> Another definition of an animal is a living being with feelings and the ability to move.

Nature also includes animals in it.<sup>3</sup> Everything that exists outside of Allah SWT is considered nature<sup>4</sup> Therefore, when the word “nature” is used, it encompasses all of the things that are present in our planet, including people, plants, mountains, rivers, seas, trees, and animals and monsters. In this sense, everything that surrounds or is a part of our everyday surroundings can be considered to be part of the environment. Everything in our immediate environment is a creation of Allah SWT. It is necessary to care for and maintain Allah SWT’s creations to the best of our ability. Humans and animals alike must treat one another with respect as fellow creatures.

Regardless of kind, form, colour, gender, rationality or irrationality, and other characteristics, Islam is a religion that promotes peace, safety, and welfare for all living things, including people. Acts of violence and environmental degradation, including those directed at animals, are severely forbidden in Islam. In fact, animal care and safety are highly valued in Islamic law. Therefore, it is completely forbidden to do anything that could hurt animals, like beating, kicking, burning, dumping acid, overloading them with large loads, forcing them to fight, and so forth. Even if animals are mindless beings, they are still a part of the environment and should be protected from any harsh or oppressive activities and behaviours. In conclusion, all of Allah SWT’s creatures, including animals, are covered by the universal protection provided by Islamic civil law, in addition to people and property. As a result, any act of cruelty or brutality towards animals is forbidden by Islamic law. Indeed, just as Allah SWT named mankind, He also named all His creatures as living things in a community.<sup>5</sup> In Surah Al-An’am,

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<sup>2</sup>*The New Webster’s International Encyclopaedia* (Trident Press International, 1991); Syaikh Syaikh et al., “Community, Family and Animal Conservation Sustainability in the Perspective of Normative Law and Maqasid Sharia,” *El-USRAH: Jurnal Hukum Keluarga* 7, no. 2 (2024): 521–40; Muhammad Yusuf, Muhammad Habibi MZ, and Dedy Sumardi, “Initiative Of Caning Punishment For Perpetrators Of Wildlife Killing In Aceh Province, Indonesia,” *Kanun Jurnal Ilmu Hukum* 25, no. 1 (2023).

<sup>3</sup>Ali bin Muhammad Al-Jurjani, *Al-Ta’rifat* (al-Qahirah: Dar al Kitab al-Mishri, 1991); Sandriansyah and Maratul Qiftiyah, “Trade In-Game Meat in Jagaraga Village, West Lampung from an Islamic Law Perspective,” *Al-Ahkam* 30, no. 2 (2020): 179–194.

<sup>4</sup>Al-Jurjani, *Al-Ta’rifat*.

<sup>5</sup>Abu al-Fida’ Isma’il al-Qurashi al-Dimashqi Ibnu Kasir, *Tafsir Al-Qur’an Al-Azim*, IV (Kairo: Darul-Manar, 1999); Efendi Efendi et al., “Animal Protection in the Perspective of Positive Law and Islamic Law: A Study of Elephant-Human Conflict in Aceh, Indonesia,” *Samarah* 7, no. 1 (2023): 175–94.

verse 38, Allah SWT uses the following phrase to describe the community’s call to animals:

“And they are communities just like you, not a single animal that crawls on the ground or a single bird that can fly. After we have covered everything in the Quran, they will all be gathered before their Lord.”

The fact that both humans and animals are referred to as “*ummah*” in the context of creation or Allah SWT’s creatures demonstrates that, in Allah SWT’s eyes, the roles of humans and animals are equal in terms of protecting and taking care of each other to preserve environmental harmony. Therefore, humans must appreciate animals as part of the ecosystem since Allah SWT has given them the caliphate power to prosper this planet.

The topic of animal protection within the framework of Islamic law is one that is receiving increasing attention in contemporary society. Even though the Quran and hadith contain explicit verses highlighting the significance of protecting animal rights and welfare in connection to environmental conservation, numerous instances of animal abuse and cruelty continue to occur at different societal levels.<sup>6</sup>

The Department of Veterinary Services’ (DVS) report illustrates this circumstance. The report claims that there is a dramatic rise in animal abuse incidents in Malaysia each year, which is quite alarming. All states—Selangor, Kuala Lumpur, Johore, Penang, Perak, Negeri Sembilan, Pahang, Kedah, Malacca, Kelantan, Perlis, Terengganu, Putrajaya, and Labuan—have cases of animal abuse<sup>7</sup> Selangor received the highest 3,334 complaints of animal maltreatment recording the most of any state. Following by Kuala Lumpur that received 1,113 complaints and Johore which received 800 complaints. The fourth highest position is Penang recording 695 complaints while Perak recording 491 complaints. Then, followed by Negeri Sembilan with the number of complaints that is 410. The next state is Kedah (280 complaints), Pahang (152 complaints) and Malacca (145 complaints). The least number of complaints is 2 complaints received by the state of Kelantan, Perlis, Terengganu, Putrajaya and Labuan also with the same number of complaints. As shown in table 1 provides a summary of the number of animal abuse complaints received by the Department of Veterinary Services for each state in Malaysia.

Table 1: Number of Animal Abuse Complaints by State (2021-June 2024)

No.	State	Complaints
1.	Selangor	3334

<sup>6</sup>Syaikhu et al., “Community, Family and Animal Conservation Sustainability in the Perspective of Normative Law and Maqasid Sharia.”

<sup>7</sup>MyMetro, 23 September 2024.

2.	Federal Territory of Kuala Lumpur	1113
3.	Johore	800
4.	Penang	695
5.	Perak	491
6.	Negeri Sembilan	410
7.	Kedah	280
8.	Pahang	152
9.	Malacca	145
10.	Kelantan	2
11.	Perlis	2
12.	Terengganu	2
13.	Putrajaya	2
14.	Labuan	2

Data Source: Department of Veterinary Services 2024

In summary, over the past four years, the number of complaints received by the Department of Veterinary Services is as follows:

1. Year 2021 - 1,249 complaints
2. Year 2022 - 1,580 complaints
3. Year 2023 - 2,622 complaints
4. Year 2024 (up to June) - 2,162 complaints

Based on the overall number of complaints mentioned above, it can be concluded that there has been a notable and substantial increase in complaints about animal abuse instances throughout the last three years, from 2021 to 2023. There have already been 2,162 complaints for 2024 as of June, and it is probable that more incidents of this nature will arise over the course of the following six months.

It actually encompasses a wide range of animal species when it comes to the kinds of animals that are abused. But according to the Veterinary Services Department, dogs account for 5,226 more animal abuse complaints than any other species during the four years ending in June 2024.

The type of animal that received the most highest number of abuse complaints is dog with a total of 5226 abuse complaints following by the cat abuse with a total of 1900 abuse complaints. The next animal is horse (178 abuse complaints), rabbit (157 abuse complaints), bird (122 abuse complaints), cow (105 abuse complaints), exotic animals (78 abuse complaints), chicken (74 abuse complaints), hamster (60 abuse complaints), goat (49 abuse complaints), guinea pig (42 abuse complaints), goose (37 abuse complaints), fish (25 abuse complaints), duck (25 abuse complaints), turtle (25 abuse complaints) and snake (20 abuse complaints). This is listed in table 2 showing information about the

types of animals involved in abuse cases received by the Department of Veterinary Services.

Table 2: Types of Animals and Number of Abuse Complaints (2021-June 2024)

No.	Animals	Complaints
1.	Dog	5226
2.	Cat	1900
3.	Horse	178
4.	Rabbit	157
5.	Bird	122
6.	Cow	105
7.	Exotic Animals	78
8.	Chicken	74
9.	Hamster	60
10.	Goat	49
11.	Guinea Pig	42
12.	Goose	37
13.	Fish	25
14.	Duck	25
15.	Turtle	25
16.	Snake	20

Data Source: Department of Veterinary Services 2024

Human cruelty and neglect of animals can take many different forms. Some examples include tying animals with ropes, confining animals without food, beating them with sticks, and even throwing cats from buildings' upper levels.<sup>8</sup> People must understand that all creatures, no matter their kind or shape, are part of the environment and ought to be appropriately safeguarded. Animals are a very distinctive and unique creation of Allah SWT, especially when considering the natural system in the context of ecology and ecosystems. The presence of animals is not a coincidence since their existence is essential to the ecology and ecological balance of the planet. Without them, ecosystems would be severely damaged and would suffer from imbalances in terms of sustainability and natural equilibrium.

Islam strongly opposes any form of cruelty and mistreatment towards animals. This can be seen in the words of Allah SWT in Surah al-Nisa' verse 119, which means:

“And verily, I will lead them astray (from the truth), and verily, I will deceive them with false hopes, and verily, I will command them (to

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<sup>8</sup>MyMetro, 23 September 2024.

mutilate the cattle), and they will slit the ears of the cattle; and I will command them to change the creation of Allah. And (remember) whoever takes the devil as a leader instead of Allah, he has indeed suffered a manifest loss.”

The aforementioned statements from Allah SWT describe a type of culture and customs that the Jahiliya Arab community formerly followed. However, those are condemned and forbidden by Allah SWT because they can hurt and injure livestock. It is customary to slice or split a tiny portion of the livestock's ear lobe.<sup>9</sup> This ridiculous custom often takes place when a camel gives birth to five or ten young, following which its ear is chopped slightly and it is either released or let to roam around as it pleases. In the name of devotion to God they worship, such acts are performed. The Quran finally denounced and ridiculed the Jahiliya Arab society's ancient traditions, which caused pain and harm to animals, claiming that Satan was using them to change the appearance of Allah SWT's creatures.<sup>10</sup> As a result, it is forbidden in Islam and a bad custom.

In another verse of Allah SWT, Allah commands us to take good care of animals without restricting their freedom of movement. In addition to humans being able to eat the halal farmed animals, the welfare of these animals in terms of nutrition and control systems must be supervised perfectly. The word of Allah SWT in Surah Taha verse 54, which means:

“Eat from it and feed your livestock; indeed, all of it contains signs that prove the generosity of Allah, for those who have understanding.”

The verse above advises livestock owners to properly care for and watch over their animals, as well as to remember to feed them.<sup>11</sup> It is deemed cruel to confine an animal without giving it enough food or water or to restrict its movement without a valid reason. According to Islamic law, all parties engaged are guilty of sin. In order to save the animal, this issue can still be reported to the police, the Department of Wildlife and National Parks, or any other appropriate authority.

It is clear from the two verses of Allah SWT above that state the importance of animal care in Islam. In addition to the numerous acts committed against livestock by some individuals, such as beating, kicking, confining, neglecting care, overloading with heavy burdens, and so forth, Allah has warned

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<sup>9</sup>Abu al-A'la Mawdudi, *Human Rights in Islam*, II (London: The Islamic Foundation, 1967), 86.

<sup>10</sup>Abu Bakr Muhammad bin 'Abd Allah bin Muhammad bin 'Abd Allah bin Ahmad al-Ishbili Ibn al-'Arabi Al-Maliki, *Ahkam Al-Qur'an*, IV (al-Qahirah: Dar al Fikri, n.d.); Muhammad Al-Sabuni, *Safwah Al-Tafasir*, III (Beirut: Dar al-Qalam, n.d.).

<sup>11</sup>Abu Ja'far Muhammad bin Jarir Al-Tabari, *Tafsir Al-Tabari*, XVI (al-Qahirah: Dar al-Ma'arif, n.d.); Kasir, *Tafsir Al-Qur'an Al-Azim*; Al-Sabuni, *Safwah Al-Tafasir*.

and admonished against the practice of slightly splitting an animal's ear as an act of following the devil which will result in loss in this life as well as the next. That act is undoubtedly regarded as sinful and unfair. It is abundantly evident from the aforementioned research that people have mistreated and abused creatures that ought to be properly cared for and protected. Is it feasible that cruel and inhumane acts against animals result from the belief that they are not a part of the environment or that they do not contribute significantly to the ecological balance and the surrounding ecosystem? Animal abuse is frequently dismissed as unimportant and does not get the attention it merits.

Thus, the topic of how Malaysian and Islamic law treat animal protection emerges. The Quranic and hadith texts that advocate for the protection of animals as part of God's creation will be examined to address this question. The Animals Act 1953 and the Animal Welfare Act 2015, which address acts of animal cruelty, are then discussed in relation to Malaysian law. The attitude of kindness towards animals in the framework of Islamic teachings was then briefly explained. This is a crucial topic that is frequently disregarded in society's everyday activities.

Data collection from a variety of primary and secondary sources, such as the Quran, hadith, and books on Islamic jurisprudence, as well as scholarly materials like acts, books, articles, journals, and papers pertaining to animal protection, animal abuse cases, and environmental sustainability and balance, are the main focus of the qualitative study methodology. Significant animal protection-related challenges are covered in this study, along with how Malaysian and Islamic law contribute to solving these issues.

Descriptive and comparative methods are used to analyse data. The descriptive technique is used to examine the appropriateness of Islamic principles with the present concerns of animal abuse and protection. The comparative approach is a research methodology that examines the similarities, differences, and connections between two or more items, occurrences, or concepts. To provide this topic with a more comprehensive perspective, a comparative analysis is carried out to evaluate how well the conclusions of Malaysian legal statutes agree with the perspectives of Islamic sources.

### **Comparison of Animal Protection Cases: Islamic Law and Malaysian Law**

It should be mentioned that Islam strongly condemns the act of murdering or causing the death of an animal without a good reason. Because of this, Islamic law mandates that when any animal, including buffalo, cows, goats, and so on, is killed for its meat, the slaughterer must use a sharp knife and complete the task efficiently. The animal will not suffer as a result of this.

Islam does, however, allow the killing of venomous or dangerous creatures, such as lions, rabid dogs, fierce dogs, king cobras, and centipedes, provided that the animals are not tortured if they pose a threat to human safety or life. In this context, the Prophet Muhammad (PBUH) allowed and even ordered

the killing of a number of animal species. The following animals are allowed to be killed: lizards, rabid dogs, snakes, scorpions, rats, crows, and eagles. Ibn ‘Umar RA narrates that he heard the Prophet Muhammad SAW giving orders to kill snakes and dogs in the Sahih Muslim hadith collection.<sup>12</sup> Additionally, the Prophet Muhammad SAW called lizards “*fuwaisiqan*”, which translates to “a small dangerous creature”, and gave the order to kill them.<sup>13</sup> These animals are typically hazardous, aggressive, poisonous, venomous, menacing, filthy, and repulsive. Some of them can even spread viruses that cause a variety of illnesses.

In addition to being forbidden under Islamic law, Malaysian legislation also forbids the mistreatment of animals. The Animal Welfare Act of 2015 (Act 772) and the Animals Act 1953 (Revised 2006) (Act 647) both make reference to this issue. If someone is found guilty of animal cruelty by a court, they may be fined RM50,000, imprisoned for up to one year, or both, according to Section 44 (b) of the Animal Act 1953. Meanwhile, Section 29 (1) of the Animal Welfare Act 2015 states that a person found guilty of animal cruelty faces a maximum fine of RM20,000 and a maximum fine of RM100,000, a maximum jail sentence of three years, or both. Sections 44 (1) (a) to (g) of the Animals Act 1953 and 29 (1) (a) to (u) of the Animal Welfare Act 2015 both describe several types of animal cruelty. Animal abuse, cruelty, and mistreatment can take many different forms, which include hitting, kicking, torturing, frightening, pitting against one another, squeezing animals into small spaces, tying them with short ropes, ignoring them until they die, and more. The Animals Act of 1953's Section 44(1)(a) states that:

Any person who (a) cruelly beats, kicks, ill-treats, overrides, overdrives, overloads, tortures, infuriates or terrifies any animal.

Section 29 (1) (a) of the Animal Welfare Act 2015, a person can be deemed guilty of an offense of animal cruelty:

(a) cruelly beating, kicking, overloading, torturing, or frightening any animal;

Similarly, in section 44(1)(d) of the Animals Act 1953:

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<sup>12</sup>Muslim, *Sahih Muslim, Kitab Al-Salam, Chapter Qatl Al-Hayyat Wa Ghayriha, No. Hadis 2233, Narrated by Ibn ‘Umar, IV, n.d.*; Imam Malik bin Anas, *Al-Muwaththa’, Tahqiq Ali Hasan Ali* (Damascus: Muassasah al-Risalah Nasyirun, 2013).

<sup>13</sup>Muslim, *Sahih Muslim, Kitab Al-Salam, Chapter Istihab Qatl Al-Wazagh, No. Hadis 2238, Narrated by ‘Amir Bin Sa ‘D, IV, n.d.*; Muhammad ibn ‘Ali Al-Syawkaniy, *Nayl Al-Awtar, VIII* (Beirut: Dar al-Jayl, n.d.), 124–26.

Any person who— (d) by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary pain or suffering, or, being the owner, permits any unnecessary pain or suffering to any animal.

Similarly, under section 29(1)(b)(c) and (e) of the Animal Welfare Act 2015, a person can be deemed guilty of animal cruelty if:

- (b) excessive riding or excessive driving of any animal, except for activities related to equestrian sports as listed under the First Schedule of the Sports Development Act 1997 [Act 576];
- (c) causing, obtaining, or, as the owner, allowing any animal to be used in such a manner;
- (e) cruelly or unreasonably doing or omitting to do any act, causing unnecessary pain or suffering or, as an owner, allowing any unnecessary pain or suffering to any animal;

Based on the provisions of the Animal Act 1953 and the Animal Welfare Act 2015 mentioned above, it can be said that for any action or omission that can be categorised as animal cruelty, the person involved can be considered guilty and can be punished according to the penalties provided therein.

This can be seen in a case that occurred in an apartment in Section 2, Wangsa Maju on June 10, 2019, at 1:30 PM. A man, who is a food stall worker, has been charged by the Court for causing unreasonable pain and suffering to a male cat named Jebon. The male cat was strangled with a raffia string until it died and was hung in front of the owner's neighbour's house. The charge against the man was made under Section 29(1)(e) of the Animal Welfare Act 2015. Finally, the Kuala Lumpur Sessions Court Judge, Rohatul Akmar Abdullah, sentenced the offender to 15 months in prison. The perpetrator's actions are considered a criminal act in the form of cruelty and abuse towards cats.<sup>14</sup>

Similarly, there was a case of brutal cat torture that occurred at a laundromat in Taman Gombak Ria, Selayang in September 2023. A cat was thrown into a clothes dryer by three men, causing the cat to die inside the dryer. Finally, the Selayang Sessions Court sentenced a taxi driver to two years in prison after he changed his plea from not guilty to guilty when the case was mentioned again. The offence was charged under Section 29(1)(e) of the Animal Welfare Act 2015 and punished under Section 29(1) of the same Act read together with Section 34 of the Penal Code, which provides for a maximum prison sentence of three years or a fine or both, upon conviction.<sup>15</sup>

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<sup>14</sup>Sinar Harian, 15 June 2019.

<sup>15</sup>MyMetro, 17 January 2019.

An offender who mistreated a cat by slamming and whipping it against a building door in Taman Medan in November 2017 was fined RM6,550.00 by the Petaling Jaya Magistrate's Court, according to MyMetro.<sup>16</sup> One of the three counts against the defendant was the mistreatment and abuse of a cat.

It is acceptable to slaughter a halal animal in accordance with Islamic law regulations in order to turn it into food and that action does not fall under the category of animal cruelty. In light of this, al-Sayyid Sabiq<sup>17</sup> argues in his writings that killing any kind of animal is illegal unless authorised by law. This complies with the guidelines set forth in Animals Act 1953, Section 44(3):

Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

Similarly, in accordance with section 30(2)(a) of the Animal Welfare Act 2015:

Regardless of subsection (1), the killing of any animal is prohibited unless (a) the killing of the animal is for the purpose of being consumed by humans;

Basically, animals were created by Allah SWT for the use and benefit of all mankind. Therefore, humans are responsible to Allah SWT by being kind to animals and are obliged to uphold the rights that should be given to animals. This coincides with the words of Allah SWT in Surah Al-Nahl verses 5-8, which means:

“He made the cattle for you, and you feed from them. They contain substances that keep the body warm in the winter and provide a number of additional advantages. Additionally, there is beauty (that enchants the heart) for you, the cattle, both when you take them out in the morning and when you return them to rest in the evening. Additionally, those animals transport your stuff to any land that is inaccessible to you without extreme suffering. Yes, your Lord has a lot of grace and kindness. Additionally, Allah provides things you are unaware of, such as donkeys, mules, and horses for you to ride and use as decorations.”

The aforementioned statements from Allah SWT demonstrate that Islamic law protects animal life by subtly elucidating the dignity of animals. In this context, it is clear that Islamic law not only establishes and establishes the

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<sup>16</sup>MyMetro, 1 October 2024.

<sup>17</sup>Al-Sayyid Sabiq, *Fiqh Al-Sunnah*, III (Kairo: Dar al-Fath li I'lam al-'Arabi, 1996).

principles and rules pertaining to life and other everyday activities, but it also offers direction on the proper treatment and protection of animals.

Generally, when we observe the behaviour of each type of animal, whether it is a tiger, bird, insect, snake, and so on, these animals have their own rules that are naturally not much different from human life. They have a reproductive system, lifestyle behaviours, an interaction system, a feeding system, and all daily life affairs, making everything that is created and determined by Allah SWT similar to the affairs of humanity. Likewise in the aspects of providing sustenance and so on, everything is within the power of Allah SWT, and it is the duty of humans to protect and preserve animal habitats as best as possible.

Hunting animals is specifically discussed in the Prophet Muhammad's (PBUH) hadith books and in the works of Islamic jurists. Hunting animals—including birds—must be done for the purpose of providing food for humans, not just to harm or kill them for no reason. Therefore, Islam forbids any activities or contests in which animals are used as targets during archery or shooting rituals. The theme of study findings and debates will address the proscription of animal cruelty and the adoption of an animal-compassionate mindset.

### **Prohibition of animal cruelty according to Islamic law and Malaysian law**

The prohibition against animal cruelty, according to Islamic law and Malaysian law, is provided in the Animals Act 1953, section 44(1)(c):

- (1) Any person who—
- (c) being in charge of any animal in confinement or in the course of transport from one place to another, neglects to supply such animal with sufficient food or water.

According to the aforementioned section's regulations, it is strictly forbidden by Malaysian law to confine animals while also carelessly failing to supply them with enough food and water. The Animal Welfare Act of 2015's Sections 29 (1) (d) and (f) also forbid keeping animals in captivity in ways that cause them discomfort or without enough food. For instance, a person who confines goats, cows, or birds to cages without giving them enough food or water may face charges of animal cruelty.

In a similar vein, the portions in those Acts forbid any cruelty that takes place when an animal is moved from one location to another without being given enough food and water. This might happen when sending a cow to a buyer over a long distance without enough nourishment throughout the trip or in a way that could put the animal through unnecessary pain or suffering.

Islamic law, which forbids tying or enclosing animals without giving them enough food and water, is consistent with the prohibitions of section 44(1)(c) of the Animals Act 1953 and Sections 29(1)(d) and (f) of the Animal Welfare Act

2015. The punishment of hellfire is warned for everyone who engages in such behaviour. Ibn ‘Umar RA recounted a hadith in Sahih Muslim<sup>18</sup> that illustrates:

“After a cat she had confined died of malnutrition, a woman was punished by being banished to hell. While the cat was being confined, the woman did not provide it with food or water. Furthermore, the wife refrained from letting the cat consume the insects on the ground.”

It is clear from the interpretation of the aforementioned hadith that, in Allah SWT’s eyes, animals hold a lofty place, much like the creation of people. It is impossible to torture and oppress humans in the same way that it is impossible to torture and oppress animals. Given that animals are a component of the environment and their existence is necessary to maintain the ecological balance and ecosystem of the natural world, this demonstrates how Islamic law takes animal welfare very seriously. Certain animals may eventually become extinct and vanish from the ecosystem if they are mistreated and repressed, as occurs in some nations that use them as exotic foods and as medical substances.

From the perspective of animal origins, it is essential to remember that all animals, whether they are wild or domesticated, were once domesticated and have the ability to coexist with human society. However, animals turned away from coexisting with humans when Qabil killed his brother Habil because they felt intimidated by the event.<sup>19</sup> In this instance, it is clear that animals were initially a group of Allah SWT’s creatures that coexisted with humans and depended on each other in order to preserve the natural order. Since animals are a community that deserves to live well as a component of the environment, their status must be upheld and safeguarded to the best of our ability.

In actuality, drought conditions help to explain the intimate bond that exists between animals and the natural world, particularly between humans. Residents of a particular area are asked to offer the rain prayer in such a circumstance. All locals are urged to congregate in an open area for this reason in order to offer prayers and make requests to Allah SWT. Along with the residents, it is recommended that animals like goats, cows, and buffaloes be brought to the open area so that everyone can pray to Allah SWT for rain.<sup>20</sup> This clarifies that, particularly in dire circumstances like drought, animals form a community that is equally vital to human survival. Additionally, animals must join in prayer in order to ask Allah SWT for rain.

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<sup>18</sup>Muslim, *Sahih Muslim, Kitab Al-Birr Wa Al-Silah Wa Al-Adab, No. Hadis 2242, Narrated by Ibn ‘Umar, IV, 2022.*

<sup>19</sup>Ibrahim Al-Bayjuri, *Hashiyat Al-Shaykh Ibrahim Al-Bayjuri ‘ala Sharh Al-‘Allamah Ibn Al-Qasim Al-Ghazzi ‘Ala Matn Al-Shaykh Abi Shuja,’ I* (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 443.

<sup>20</sup>Al-Bayjuri, 445.

The prohibition against confining animals can also be seen in the following hadith narrated by Jabir bin Abdullah RA<sup>21</sup>:

“The Prophet Muhammad (peace be upon him) prohibited killing animals by confining them.”

The meaning of the two hadiths above makes it clear that it is prohibited to confine and hold any kind of animal that could result in its death or injury. In a similar vein, any behaviour that aims to oppress, torture, or mistreat any animal is absolutely forbidden by Islamic law. According to Islamic law, any activity that deviates from a hadith's use of the word “*naha*”, which signifies prohibition or forbidding, can result in punishment because it is a sin.

In a similar vein, planning animal fighting competitions may be seen as a crime that is subject to legal action. The life of animals that are a part of the environment may be disrespected by such acts that might be harmful and hurtful. This is demonstrated by the following clause found in Section 44(1)(g) of the Animals Act 1953:

(1) Any person who  
(g) causes, procures or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used, or receives or causes or procures any person to receive, money for the admission of any person to such premises or place.

It can also be seen in the provisions of section 29(1)(s) of the Animal Welfare Act 2015 which stipulates that a person can be deemed guilty:

(s) causing, obtaining, or assisting in the keeping or feeding of any animal, or storing, using, managing, performing, or assisting in the management of any premises or place for the purpose of keeping or feeding any animal, or allowing any premises or place to be kept, managed, or used, or receiving, causing, or obtaining any person to receive money for the entry of any person into that premises or place;

Animal fighting, including attempts to help in the organisation of animal fighting events, is one of the illegal acts under this clause. If found guilty, a person may be fined RM50,000, imprisoned for a year, or both under the Animals Act

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<sup>21</sup>Muslim, *Sahih Muslim, Kitab Al-Sayd Wa Al-Dhaba'ih, Chapter Al-Nahy 'an Sabr Al-Baha'Im, No. Hadis 1958, Narrated by Jabir Bin Abdullah, III, n.d.*

1953; alternatively, under the Animal Welfare Act of 2015, a person may be fined between RM20,000 and RM100,000, imprisoned for a maximum of three years, or both.

Such matters also align with Islamic law. This can be referred to a hadith of the Prophet Muhammad SAW narrated by Ibn ‘Abbas RA<sup>22</sup>:

“The Prophet Muhammad (peace be upon him) prohibited the act of making animals fight each other.”

Some members of society take pleasure in putting animals against one another, as in the case of buffalo and cockfighting. In Islam, all of these behaviours are prohibited and considered immoral. Instigation is a sort of cruelty that can inflict pain and harm on animals. On the other hand, Islam encourages us to treat all of Allah SWT’s creatures with kindness, including animals. As a result, the vast majority of jurists concur that it is forbidden for anyone to participate in animal fighting since it does not help the animals involved and instead endangers them to the point of injury or death.

Other acts that are deemed cruel to animals under Islamic law include branding the faces of animals, using them as targets for archery, and dousing their bodies in acid. The Prophet Muhammad (peace be upon him) forbade such behaviour. The hadith makes reference to this, meaning:

“From Ibn ‘Abbas RA that the Prophet SAW said: Do not take any living creature as a target.”<sup>23</sup>

Similarly, it can also be seen in a hadith that means:

“It has been narrated to us by Muhammad bin al-Muthanna, narrated to us by Muhammad bin Ja‘far, narrated to us by Shu‘bah. He said: I heard Hisham ibn Zayd ibn Anas ibn Malik say: I entered with my grandfather Anas ibn Malik into the house of Hakam ibn Ayyub. There, we found several people shooting arrows, using hens as targets. Then Anas said: The Messenger of Allah (SAW) prohibited making animals targets for archery.”<sup>24</sup>

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<sup>22</sup>Abu Daud Sulaiman Al-Sijistani, *Sunan Abu Daud*, IV (Beirut: Maktabah al-‘Asriyah Saïda, 1950).

<sup>23</sup>Muslim, *Sahih Muslim, Kitab Al-Sayd Wa Al-Dhaba’ih, Chapter Al-Nahy ‘an Sabr Al-Baha’Im, No. Hadis 1958, Narrated by Jabir Bin Abdullah, 1549.*

<sup>24</sup>Muslim, *Sahih Muslim, Kitab Al-Sayd Wa Al-Dhaba’ih, Chapter Al-Nahy ‘an Sabr Al-Baha’Im, No. Hadis 1549, Narrated by Ibnu Abbas, III, n.d.*

Based on the two hadiths of the Prophet Muhammad (SAW) above, al-Nawawi explains that actions that can harm animals, such as tying them up or using them as targets for arrows, are wrong and prohibited by Islamic law.<sup>25</sup>

Malaysian law also forbids cases such as these. Making an animal the target of a shooting or archery activity or competition is illegal. Section 29 (1) (t) of the Animal Welfare Act of 2015 expressly addresses this issue, stating that an individual may be found guilty of animal cruelty if:

(t) encouraging or participating in any shooting competition or contest where animals are released from confinement for the purpose of shooting;

In fact, Malaysian law prohibits any use of animals for sports and similar purposes if the activity can cause animal abuse. This can be seen in the provisions of Section 29 (1) (u) of the Animal Welfare Act 2015, which stipulates that a person can be deemed guilty if:

(u) organizing, participating in, promoting, or in any way associating with any sport or activity involving the use of animals, where the animals are subjected to cruelty either during the sport or activity itself or during training,

Regarding the prohibition of striking and branding the faces of animals, reference can be made to the hadith narrated by Jabir RA which means:

“The Prophet Muhammad (peace be upon him) forbade striking (animals) on the face and branding something on the face.”<sup>26</sup>

Regarding this hadith, al-Nawawi said that the prohibition by the Prophet Muhammad (peace be upon him) against striking, branding, or marking the face of an animal applies to all types of animals, whether they are domesticated or wild. The prohibition is because all animals are creatures of Allah SWT who have the right to live perfectly and also the right to be respected.<sup>27</sup>

The aforementioned hadiths provide unmistakable proof that Islamic law forbids torturing, intimidating, stifling, unfairly containing, and other acts that might be construed as depriving animals of a reasonable existence in accordance with their innate desires. Furthermore, it is definitely forbidden in Islam to make

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<sup>25</sup>Al-Syawkaniy, *Nayl Al-Awtar*, 9.

<sup>26</sup>Muslim, *Sahih Muslim, Kitab Al-Sayd Wa Al-Dhaba'ih, Chapter Al-Nahy 'an Sabr Al-Baha'Im, No. Hadis 2116, Narrated by Jabir* (III, n.d.).

<sup>27</sup>Al-Syawkaniy, *Nayl Al-Awtar*, 9.

an animal into a toy that could injure it. Thus, such acts against any kind of animal domesticated, poisonous, etc. are completely forbidden by Islamic law.<sup>28</sup>

For the case of prohibiting the mutilation of animals' ears as stated in the Quran in Surah Al-Nisa, verse 119 mentioned earlier, such an act is clearly considered an offence under Malaysian law as per the provisions of section 29(1)(h) of the Animal Welfare Act 2015 which states:

(h) to mutilate any animal in any way including cutting ears, shortening tails, removing fangs, removing claws, branding, piercing, or reducing barking unless in any manner determined and approved by the veterinary authority or a registered veterinary doctor;

According to Islamic law, the court can file a lawsuit against those who abuse animals, and the Court may also decide to impose a suitable *ta'zir* penalty on the offender. This is related to a document that states that Saidina 'Umar RA hit the owner of an animal that had made the animal carry an exceptionally large weight.<sup>29</sup> Section 29(1)(a) of the Animal Welfare Act of 2015 and Section 44(1)(a) of the Animals Act of 1953 both expressly state that it is illegal to place a burden onto an animal.

Livestock is regarded as precious property under Islamic law. Therefore, a law pertaining to accountability or responsibility for animal harm and cruelty must be in place to safeguard livestock. Usually, the person who kills or injures another person's animal is held accountable and must compensate the owner for the animal's worth.<sup>30</sup> Therefore, if an animal is shot into the air with the goal to startle or frighten it and it falls into a hole while escaping, the person who caused the injury is responsible to pay compensation.<sup>31</sup>

Similar to this, if someone purposefully or unintentionally damages another person's animal—a camel, dog, cat, deer, etc.—they will undoubtedly be responsible for paying for the damage. The animal's owner is entitled to full recompense based on the market price in the event that the animal dies.<sup>32</sup>

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<sup>28</sup>Al-Syawkaniy, 9.

<sup>29</sup>Subhi Mahmassani, *Al-Nazariyyah Al-'Ammah Li Al-Mujabat Wa Al-'Uqud Fi Al-Shari'ah Al-Islamiyyah*, II (Beirut: Dar al-'Ilm li al-Malayin, 1983).

<sup>30</sup>Muhammad Fawzi Fayd Allah, *Nazariyyat Al-Daman Fi Al-Fiqh Al-Islami Al-'Amm* (Kuwait: Maktabah Dar al-Turath, 1983), 169.

<sup>31</sup>Team of Ulama 1993, *Majallat Al-Ahkam Al-'Adliyyah: The Ottoman Islamic Civil Code of 1876*, Translated (Lahore: The Punjab Educational Press, 1967).

<sup>32</sup>Abu Muhammad 'Ali bin Ahmad bin Sa'd Ibn Hazm, *Al-Muhalla*, Translated (Texoma: Islamic Mosque, 1985), 149.

### The Attitude of *Ihsan* towards Animals

Islam is a religion that embodies benevolence, not only among humans but also towards other creatures, including animals. The word *ihsan* simply means ‘doing good’. The quality of *ihsan* is a trait that is highly encouraged to be practised in Islam.<sup>33</sup> This can be seen in several verses of Allah SWT in Surah al-Nahl verse 90 which means:

“Indeed, Allah commands you to be just and to do good (*ihsan*) and to give to relatives; and He forbids you from committing shameful deeds, injustice, and oppression. He instructs you (with His commands and prohibitions) so that you may take heed.”

In Surah al-Isra’ verse 7 which means:

“If you do good (*ahsan*), it means you are doing good for yourself.”

Generally, the meaning of Allah SWT’s words above commands all of us living in this world to always do good or show kindness to all creatures, including being kind to animals. The benefits of being kind to fellow creatures will be rewarded with goodness by Allah SWT, and the advantages will also return to humans themselves.

A person who acts with *ihsan* is called a *muhsin* (a person who does good) who is greatly loved by Allah SWT. This is in accordance with His words in Surah Ali ‘Imran verse 134 which means:

“Those who spend their wealth in times of ease and hardship, and those who restrain their anger and pardon the people, Allah loves the doers of good. (*muhsinin*).”

The grace of Allah SWT is a gift that will be given to anyone according to His will. However, Allah SWT states that His mercy is very close to those who do good, as mentioned in His words in Surah al-A‘raf verse 56 which means:

“And do not cause corruption on the earth after it has been set right by Him, and invoke Him with fear and hope (will be granted). Indeed, the mercy of Allah is near to those who improve their deeds. (*muhsinin*).”

In the above verse of Allah SWT, it is clearly forbidden to commit acts of corruption on the face of the earth. Acts of vandalism clearly fall under the

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<sup>33</sup>M Bunyamin, “Adam Al-Haraj: A Rukhshah Application in the Implementation of Islamic Law in Modern Society Life,” *Al-Adalah*, 2018, 101–24.

category of oppressing and injuring animals. Therefore, anyone who mistreats animals is considered to be causing corruption on earth and showing no compassion towards animals, and he is not included as a *muhsin*.

Protecting and preserving the environment from actions that can disrupt its ecosystem balance is prohibited by Islamic law. In fact, being kind to fellow creatures, including animals, is an obligation. The legal position of the obligation to act with kindness can be understood from the hadith of the Prophet Muhammad (peace be upon him), which means:

“Indeed, Allah has made it obligatory to do good to everything.”<sup>34</sup>

According to a different interpretation, the hadith above means “...doing good to all creatures.”<sup>35</sup> In this hadith, the term “creatures” undoubtedly refers to treating people, plants, and animals with kindness.

In summary, it may be argued that treating animals with kindness is required. Therefore, it is *haram* (forbidden) to injure and oppress animals without a religious justification. Fundamentally, Islam is a religion that promotes kindness, even though there are a number of hadiths that allow the slaughter of specific animals because they are harmful and pose a threat to human life. Animals cannot be mistreated or abused without cause. Since animals are a component of the environment, this seeks to guarantee and protect the ecological system and the environment at all times. Thus, Islamic law forbids the killing of animals without a justifiable purpose.

Regarding respecting and loving animals regardless of their type, a lesson can be drawn from a hadith of the Prophet Muhammad (peace be upon him) which means:

“Narrated by Abu Hurairah RA who said that the Messenger of Allah SAW said: Once, there was a dog circling a well. The dog was almost dying of thirst. Suddenly, he was seen by a Jewish prostitute. So he took off his shoes, scooped water with them, and gave it to the dog to drink. With that act, Allah SWT forgave his sins.”<sup>36</sup>

The dog itself is not the only thing that demonstrates a Jewish woman’s love for it; the dog’s status as a creation of Allah SWT also needs to be taken into

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<sup>34</sup>Muslim, *Sahih Muslim, Kitab Al-Sayd Wa Al-Dhaba’ih, Bab Al-Amr Bi Ihsan Al-Dhibh Wa Al-Qatl, No. Hadis 1955, Narrated by Shaddad Bin ‘Aus, III, n.d.*

<sup>35</sup>Zayn al-Din Abu ‘Abd al-Rahman bin Shihab al-Din al-Dimashqi al-Hanbali Ibn Rajab, *Jami’ Al-Ulum Wa Al-Hukm Fi Sharh Khamsin Hadithan Min Jawami’ Al-Kalim* (Beirut: Muassasah al-Risalah, 1995).

<sup>36</sup>Muslim, *Sahih Muslim, Kitab al-Salam, Chapter Fadl Saqi al-Baha’im al-Muhtaramah wa It’amiha, No. Hadis 2245, Narrated by Abu Hurairah, juzuk 4, p. 1761. Hadis Sahih.*

consideration. Dogs exist for a reason, for example, they are essential for the ecosystem and ecological balance of this world that Allah SWT created. Thus, the Jewish woman's affection for the dog demonstrates her love for the environment, which must be protected and maintained as a whole. Because the Jewish woman appreciated and acknowledged Allah SWT's creation, she was pardoned for her sins for her compassion towards the dog, which is a part of Allah SWT's creation.

## **Conclusion**

Animal mistreatment is on the rise, as evidenced by earlier debates, and this has become a problem in this study. The public's ignorance of animal rights and pet owners' obligations may be a contributing factor in the rise of animal abuse incidents. The ecosystem's equilibrium, human-environment relations, and animal welfare are all impacted by this problem. Despite the fact that Islam places a strong emphasis on doing good and protecting the welfare of all living things, including animals, the growing number of allegations of animal mistreatment and cruelty suggests that the community does not fully comprehend and apply the concept of compassion. Given that animals are frequently viewed as objects that can be handled however one pleases, this is proof that society has no compassion for them. The lack of concern from the standpoint of education and the public's comprehension of the value of kindness (*ihsan*) is also demonstrated by the ignorance of religion and the disregard of verses from Quran and hadiths that highlight the significance of caring and safeguarding animals. However, the results of this study explain to us that Islamic law and Malaysian law through the Animals Act 1953 (Revised 2006) (Act 647) and the Animal Welfare Act 2015 (Act 772) strictly protect animal habitats from any acts of cruelty and harm. The occurrence of animals, regardless of their shape, nature, and natural appearance, all have their own roles in the ecological balance and the ecosystem of the environment. However, if the animal can or is likely to harm humans, then at that time, the animal can be killed. This study is expected to serve as a guideline for animal protection to maintain environmental stability and human life as mentioned in the Quranic verses and the hadith of the Prophet Muhammad (PBUH), as well as the statutory legal code in Malaysia. When animals are treated cruelly, measures can be carried out according to the established regulations. Subsequently, the offender may face penalties corresponding to the violation. If found guilty, a person may be fined RM50,000, imprisoned for a year, or both under the Animals Act 1953; alternatively, under the Animal Welfare Act of 2015, a person may be fined between RM20,000 and RM100,000, imprisoned for a maximum of three years, or both.

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