

Animal Welfare in the Malaysian Law: Adherence to the International Standards and Islamic Teachings

Kamal Halili Hassan and Adam Abdel Hameed
Faculty of Law, Universiti of Kebangsaan, 43600 Bangi, Malaysia

Abstract: The aim of this study is to discuss policy and legal aspects of animal welfare in Malaysia. It has introduced laws to safeguard animal welfare. The main point of reference in this study is the legislative experience of Malaysia in its planned Animal Welfare Act 2012 which awaits endorsement by the parliament with brief reference to the provisions found in Malaysia's Penal Code, the Animal Act 1953 and the Wildlife Preservation Act 2010. Analysis of the provisions of the mentioned Act shows that the legal system in Malaysia is in line with both the international standards and the Islamic teachings in animal welfare. The relevant verses in the holy Qur'an and Sunnah of the Prophet (PBUH) are taken as the Islamic teachings in relation to the topic.

Key words: Animal welfare, animal act, international standards, Islamic teachings, Malaysia

INTRODUCTION

Animals are not created in vain. Animals are created for ecological balance. They are useful to humans in many ways. Animal's meat is used for food their milk is used for drink and their skin and hair are used for clothing and house-making. Before the evolution of technology, animals are used for transport. Some animals such as dogs are used as guards or companions. In the biomedical field, animals are also used for experiments and tests for humans to survive illnesses (Duncan, 2002). Humans visit zoos and aquariums or bring pet animals to their homes as a means of recreation (Hassan, 2014; Hosey *et al.*, 2009). Animal welfare has become one of the hot topics among environmentalists and animal rights lovers and activists since the late 1970s. Efforts in this regard resulted in the setting international standards related to animal welfare as well as the enactment of national legislations and regulations as well as designation of strategies and policies that ensure this welfare. For the international standards, reference is especially given to the Universal Declaration on Animal Welfare (UDAW).

In parallel with the uses of animals in the above-mentioned purposes, animal welfare has gained interest and attention to animal lovers and activists (Hewson, 2003). Malaysia as one of the countries rich with its bio-diversity has taken steps decades ago to ensure animal welfare (Agoramoorthy, 2004). The country's efforts in this respect included the introduction of legal provisions toward this end in its penal law or other specialized laws. It has also actively engaged in the efforts aimed at ensuring animal welfare with other

nations. However, it should be recalled that Malaysia is one of the countries non-signatory to important international conventions on human rights, namely the International Covenant on Civil and Political Rights (ICCPR) 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 on the grounds that these instruments are Western in nature and thus they contradict with its local Asian values. This raises the question whether Malaysia's legislative efforts in animal welfare comply with the international standards in this respect. In addition, as a Muslim-majority nation, the question arises is whether its protection of animal welfare is in line with the Islamic teachings on this matter. The study assesses Malaysia's observance of the international standards and the Islamic teachings in its legal system on animal welfare.

LITERATURE REVIEW

In the context of animal welfare, five freedoms are mentioned in order to realize this welfare. They are the freedom from hunger, thirst and malnutrition, freedom from fear and distress, freedom from physical and thermal discomfort, freedom from pain, injury and disease and freedom to express their normal pattern of behaviour. According to Yusof (2013), recognition of animal sentience and the Five Freedoms is significant in establishing the standards of welfare for animals in government policies, rules and regulations.

Available literature shows that animal welfare is measured by animal physiological and behavioural responses to the environment (Broom, 1991). The extent

of the animal's success in coping with the environment depends to a large extent on the animal's fulfilment of its needs (See, 2013). In the words of other scholar, animal welfare is determined based on the animal's ability to avoid suffering and sustain fitness (Carenzi and Verga, 2009).

In the words of Don Moore, there are two interrelated components of animal welfare: physical health and psychological well-being. Physical health means absence of diseases or physical/physiological conditions that result directly or indirectly from inadequate or inappropriate nutrition, exercise or social groupings or other environmental conditions to which an animal fails to cope successfully (Moore, 2011). Psychological well-being means creating opportunities for animal to perform appropriate behavior as well as creating choices that animals have to respond appropriately to variable environmental conditions, physiological states, developmental stages and social situations (Moore, 2011). Categories of animals meant by the welfare include wild animals, domestic animals and companion animals. They include stray animals and animals in captivity such as pets.

The agreed standards for the use of animals in research, testing and teaching, the so-called Three Rs Principle (reduction in numbers of animals, refinement of experimental methods and replacement of animals with non-animal techniques) is considered the benchmark for the use of animals for the above purposes (Yusof, 2013). The Principle was set by Russell and Burch. According to them, reduction requires search for animal alternatives for this purpose. Refinement requires referring to methods that alleviate or minimize potential pain, suffering or distress. Replacement means using methods other than animals (Gharebaghi *et al.*, 2007).

According to Sivanasan (2014) good animal welfare requires nutrition, prevention of animal disease, veterinary treatment, appropriate shelter, management, humane treatment and humane killing. It is said that the use of animals in agriculture, scientific experiments, companionship and entertainment and recreation makes major contribution to people well-being (Sivanasan, 2014).

Animal welfare should also be observed during slaughter. According to AL-Aidaros (2013), many abattoirs are slippery and not fitted with unloading rumps. In addition, the animal's sentience is not taken care of as they are struck or beaten to make them enter facilities and slaughtered in front of each other.

The use of animals in many purposes carries with it an ethical responsibility to ensure the welfare of the animals used (Sivanasan, 2014). One of these is the use in transport. Literature available on the reality of animal treatment during transport indicates that animals are

treated cruelly. In the words by AL-Aidaros (2013) cruelty against animals during transport includes marching them on foot or carrying them in overcrowded carriers. They are unnecessarily beaten not provided with food and water, tied in tows and fours as well as caused injuries or fatigue. In addition, they are badly beaten, driven fast, forced to travel many days in overcrowded, humid, ill-ventilated and hot trucks so as to reach markets and abattoirs on time (Aidaros, 2014).

At the un-official level, animal welfare NGOs and societies are very active in Malaysia. At top of these is the Malaysian National Animal Welfare Foundation (MNAWF) which is found in April 1998 to promote a caring Malaysian society. Others include the Society for the Protection and Care of Animals (SPCA), the Penang Animal Welfare Society, Society for the Prevention of Cruelty to Animals, Animal Welfare Society (PAWS) and Save a Stray (SAS) to mention a few. All these NGOs highlight the challenges faced by animals as well as advocate animal welfare in the country (Alphonsus, 2012).

The above reviewed literature provided good discussion to the topic in question. It covered the basic keywords on animal welfare. However, no reference is given to the assessment of Malaysia's experience in this area. That is to say, no focus given to whether or not the country's efforts are in compliance with the prevailing international standards and the teachings found in Islam in the field of animal welfare.

METHODOLOGY

To assess Malaysia's adherence to the international standards and the Islamic teachings in relation to animal welfare, the study would firstly explore the said international standards and teachings prevail in Islam. For the purposes of exploring the international standards in the area of animal welfare, reference will be given to provisions of the Universal Declaration on Animal Welfare (UDAW). As regards the Islamic perspective of animal welfare, reference will be given to relevant rules and guidance in the holy Qur'an and the Sunnah of the Prophet (PBUH). The standards found at the international level and the Islamic teachings would be discussed against the Malaysian legal system in the area of animal welfare. Main reference in Malaysia's legislative efforts would be given to the provisions of the Animal Welfare Bill 2012. Other provisions found in the Penal Code, the Animal Act 1953 and the Wildlife Preservation Act 2010 will also be referred to. However, before exploring the international standards and the Islamic teachings, scholarly conceptual definitions would be provided and literature available in the subject matter would be reviewed (Yaqin, 2007).

CONCEPTUAL DEFINITIONS

Animal welfare is defined as its state as regards its attempts to cope with its environment (Broom, 1991). Based on this definition, animal welfare includes physical state, mental state and naturalness state (Animal Welfare in Context 2014). The physical state deals with problems faced by animals physiologically or environmentally and their survival and reproduction. The physical state on the other hand refers to the feelings of the animal. The naturalness state deals with the animal's ability to meet its natural needs and desires.

This differentiates animal welfare from animal rights and animal conservation. Animal welfare aims at preventing unnecessary suffering. Activists for animal welfare do not oppose to using animals. Rather, they call for ensuring a good quality of life and humane death for animals (Gibson, 2011). On the other hand, animal rights aim at providing rights to animals to live their lives free of human intervention. Animal rights activists oppose animals use by humans. They however, allow some aspects of animal use such as companionship. While animal welfare cares about not allowing suffering of individual animal, conservation protects animals from extinction (Gibson, 2011).

INTERNATIONAL STANDARDS ON ANIMAL WELFARE

The Universal Declaration on Animal Welfare (UDAW) is a result of the efforts made by the World Society for the Protection of Animals (WSPA) which is considered the largest alliance of organizations that advocate animal welfare. It received endorsement at several international gatherings including the Islamic Conference on Animal Welfare. It had been supported by a number of countries and animal welfare groups such as the Organization on Animal Health, the World Veterinary Association, the Common Wealth Veterinary Association and the Federation of Veterinarians of Europe, among others (Gibson, 2011). The UDAW states that animals are living, sentient beings and therefore deserve due consideration and respect' and 'the welfare of animals shall be a common objective' and all appropriate steps shall be taken to prevent cruelty to animals and to reduce their suffering.

Although, it does not provide definitions to welfare or cruelty, the UDAW made specific reference to the Five Freedoms of animal welfare and the Three Rs related to the use of animals in research, testing and teaching as mentioned above. Yet, like any other declaration, the

UDAW is criticized for being too vague to generate any significant improvements in animal welfare national laws. In addition, being on the welfare, the wording of the UDAW is said to be feeble in comparison to that of the Universal Declaration on Human Rights (UDHR). Moreover, it is far less than the UDHR in terms of its legal power as it has not yet received endorsement from the United Nations (UN) (Gibson, 2011). Nevertheless, it should be said that one of the benefits of the UDAW is that it provides a benchmark for countries to use when developing or building upon, their own animal welfare laws (Gibson, 2011).

Other international efforts toward animal welfare include the standards set by the World Organisation for Animal Health (OIE). The OIE holds conferences and creates regional awareness of animal welfare. Among the efforts the OIE is the OIE Regional Commission for Asia, the Far East and Oceania (RAWS) initiative. The aim of the initiative has been to provide an overarching, agreed framework and guidance for countries in the region when implementing OIE Standards and to serve as the basis for the development of action plans.

ISLAMIC TEACHINGS ON ANIMAL WELFARE

The Islamic religion pays special attention to animal rights and animal welfare. The Islamic perspective of animal welfare could be derived from the holy Qur'an and Sunnah, i.e., sayings (aqawal), deeds (af'al), approvals (iqrar) and attributes (sifat) of the Prophet (PBUH). In a general statement, the holy Qur'an reminds mankind that all creatures are created for certain important purpose and nothing is created in vain. The Qur'an states that:

We created not the heavens, the earth and all between them, merely in (idle) sport (Al-Qur'an: 44:38)

In another verse, it is stated that:

And in the creation of yourselves and the fact that animals are scattered (through the earth) are signs for those of assured faith (Al-Qur'an: 45:4)

The holy Qur'an also tells again that animals are grouped into communities similar to that of the human beings. The meanings of one verse state that:

There is not an animal (that lives) on the earth nor a being that flies on its wings but (forms part of) communities like you (Al-Qur'an: 6:38)

The meanings of another verse state that:

When the wild beasts are herded together (in the human habitations) (Al-Qur'an: 81:5)

This shows that animals are part of this life and the here after. The meanings of the holy Qur'an also state that:

And the cattle, He has created them for you. You have in them warm clothing and (other) advantages and of them you eat. And therein is beauty for you when you drive them back (home) and when you send them out (to pasture). And they carry your heavy loads to regions which you could not reach but with great distress to yourselves. Surely your Lord is Compassionate, Merciful. And (He made) horses and mules and asses that you might ride upon them and as an ornament. And he creates what you know not (Al-Qur'an: 16:5-8)

In addition, the holy Qur'an reminds human beings that all the living beings are connected in the large sense to the spiritual world as they are beings. The meanings of the verse state that:

Seest thou not that it is Allah whose praise all beings in the heavens and on earth do celebrate and the birds (of the air) with wings outspread? Each one knows its own (mode of) prayer and praise and Allah knows well all that they do (Al-Qur'an: 24:41)

In another verse:

And the earth, He has assigned it to all living creatures (Al-Qur'an: 55:10)

In the Sunnah, a number of hadiths could be cited in this respect. Narrated by Ibn Umar, the Prophet (PBUH) said that:

Whoever mutilates a living creature and then does not repent, Allah will mutilate him on the Day of Judgment (Ahmed, Abu Dawud and al-Tirmidhi)

In another hadith narrated by Abu al-Malih Ibn Usama, the Prophet (PBUH) forbade using the skins of beasts of prey (Sahih al-Bukhari, Kitab (k) 67, Chapter (b) 7). It is also narrated that:

He forbade wearing the skins of beasts of prey or using them as saddle-cloths (Sahih al-Bukhari, Kitab (k) 67, Chapter (b) 7)

Animal welfare in transport is also found in the Islamic teachings. At top of this is when the Prophet (PBUH) advised His wife to treat an unruly camel that she was riding kindly. He said in a hadith narrated by Aisha that once she was riding on a camel that was difficult to handle. She began pushing it and the Prophet (PBUH) said to her that:

You should be gentle with it (Sahih Muslim, Kitab (k) 4, Chapter (b) 2593)

Islam has also restricted riding and carrying loads on camels (Gharebaghi *et al.*, 2007). In the hadith, the Prophet (PBUH) said:

Do not use the backs of your beasts as pulpits for Allah has made them subject to you so that by them you can reach places that you would not otherwise be able to reach except with great fatigue (Sunan Abu Dawud, 2567)

In another hadith, the Prophet (PBUH) said that:

When you are travelling through a verdant land, allow your camels their portion of it but when you are travelling through a barren land, speed up your pace. When you stop for the night, avoid the road because it is the resort of creatures at night (Sahih Muslim, Kitab (k) 53, Chapter (b) 707)

With regard to pets there is a responsibility on muslims who keep pets to provide these pets with water, food and shelter. In a hadith narrated by Abdullah Ibn Umar, the Prophet (PBUH) said that:

A woman was once punished after death because of a cat which she had kept confined until it died and because of this she entered the Fire. She had neither given it food or drink while confining it nor had she let it free to eat the creatures of the earth (Sahih al-Bukhari, Kitab (k) 4, Chapter (b) 56)

This also extends to dogs as companion animals. In the hadith, narrated by Abu Hurairah, a woman saw a dog on a very hot dog going round and round a well, lolling its tongue because of its thirst. She drew some water for it using her shoe and all her sins were forgiven her (Sahih al-Bukhari, Kitab (k) 73, Chapter (b) 8; Sahih Muslim, Kitab (k) 26, Chapter (b) 39).

Causing animals to fight is also forbidden in Islam. In a hadith narrated by Ibn Abbas, the Prophet (PBUH) forbade inciting animals to fight one another (Sahih Muslim, Kitab (k) 26, Chapter (b) 36). In another

hadith narrated by Ibn Umar, the Prophet also forbade using anything living as a target (Sahih al-Bukhari, Kitab (k) 7, Chapter (b) 423). In this hadith, using of animals for training in shooting is forbidden in Islam. In Islam, physical injuries to animal are not tolerated. It is stated in a hadith that:

Has it not reached you that I have cursed the one who brands an animal's face or hits it on its face? (Sahih Muslim, Kitab (k) 24, Chapter (b) 21, Sahih al-Bukhari, Kitab (k) 7 Chapter (b) 67)

In another hadith He said:

Do not clip the forelocks of horses or their manes or the tails. Their tails are their fly-flaps their manes are their warmth and their forelocks have a blessing in them (Sahih al-Bukhari, Kitab (k) 7, Chapter (b) 423)

Slaughter in Islam is another area where animal welfare is taken care of as part of the general principle of excellence. Slaughter of animals is justified for the purposes of human consumption or other justifiable reasons. In a hadith narrated by Abu Hurairah, the Prophet (PBUH) said that:

Avoid the seven mortal sins

and among them He mentioned:

Killing the soul that Allah has forbidden, except for a justifiable reason (Sahih al-Bukhari, Kitab (k) 6, Chapter (b) 60)

The justifiable reason in this hadith is left to the common sense. In addition, humane slaughter of the animals is well supported in the Islamic teachings. The Prophet (PBUH) said that:

Allah has prescribed excellence in everything. So if you kill, kill well and if you slaughter, slaughter well. Let each one of you sharpen his blade and spare suffering to the animal he slaughters (Sahih Muslim, Kitab (k) 21, Chapter (b) 11)

No doubt that sharpening the blade makes the slaughter completes as fast as possible and animal's life departs quickly. This spares the suffering of the animal and let it die comfortably. Islam has also observed pre-slaughter animal welfare.

In sum, these are some of the many teachings mentioned in the holy Qur'an and Sunnah of the Prophet

(PBUH) about animal welfare. From the above discussion, one could conclude that there are rich Islamic teachings with regard to this subject.

ANALYSIS OF ANIMAL WELFARE LEGISLATION IN MALAYSIA

To explore the situation in Malaysia in order to assess the country's adherence to the international standards and to the Islamic teachings in animal welfare which form the context for the discussion in this study, the analysis will begin with Malaysia's observance of the international standards. This would be followed by the country's compliance with Islamic teachings. Resort for treatment of animals in Malaysia could also be found in the religion. As a Muslim-majority country, the teachings of Islam hold humans responsible for their conduct toward animals (Sajoo, 2010).

At the international level, Malaysia has been an active member of the World Organization for Animal Health (OIE) and the efforts the OIE had made in setting the standards for animal welfare. These include its participation in the conferences held by the OIE, the first one held in Paris, France in 2004 and the second one held in Cairo, Egypt in 2008. To show more commitment to the objectives and aims of the OIE, Malaysia hosted the 3rd OIE Global Conference on Animal Welfare in its capital Kuala Lumpur in 2012. The focus of the 3rd Conference had been on the challenges faced by OIE members in their implementation of animal welfare and OIE's willingness to provide support to capacity building initiatives (OIE, 2013).

In addition, Malaysia signed the Universal Declaration on Animal Welfare (UDAW) in 2008. Countries signatory to UDAW recognize animals as sentient beings that can suffer and feel pain. They acknowledge animal's need for welfare to be respected and cruelty against animals to end. The Declaration encourages governments to make and enforce laws that benefit animals and guarantee their welfare (Thye, 2014). Moreover, Malaysia is an active member of the OIE Regional Commission for Asia, the Far East and Oceania (RAWS) initiative. It has been committed to the objectives of the initiative which include providing frameworks and guidelines to the member countries with regard to the implementation of OIE Standards as well as developing action plans.

At the national level, legislative attention to animal welfare in Malaysia started in the early 1930s with the provisions found in the Penal Code first enacted in 1936. Section 428 of the Code states that:

Whoever commits mischief by killing, poisoning, maiming or rendering useless, any animal or animals of the value of five ringgit or upwards shall be punished with imprisonment for a term which may extend to 2 years or with fine or with both

Section 429 provides that:

Whoever commits mischief by killing, poisoning, maiming or rendering useless an elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof or any other animal of the value of twenty five ringgit or upwards shall be punished with imprisonment for a term which may extend to 5 years or with fine or with both

It is clear from the above two sections that although the emphasis had been put on animals valuable to the use of humans, the Malaysian legislature makes it criminally punishable all forms of committing a mischief to animals.

In less than two decades later, the country passed the Animal Act in 1953 as a separate statute related to animals. The Act later amended to cope with recent developments in the field. The Act deals with animal welfare as one of its subjects. It also enacted the Wildlife Conservation Act in 2010. The Act as clear from its title, covers wild animals. It does not cover other categories including domestic animals, companion animals, stray animals and animals in captivity such as pets. The two Acts were said to be largely derived from Britain's Protection of Animals Act 1911. According to See (2013), this is the reason why many of the British case law and academic literature related to animals continue to afford helpful guidance in the interpretation of the provisions of the Malaysian two Acts.

In 2012, a new animal welfare act (Animal Welfare Act) was planned. According to some Malaysian officials, the draft of the Bill is to be tabled in the Parliament before the end of 2014. If this Act is passed, Malaysia will be one of the first countries in the Association of the South-East Asian Nations (ASEAN) to take a specialized legislative step towards the protection of animal welfare. Being a specialized and recent legislation, the planned Act is a real test bed for checking whether Malaysia is committed to the international as well as to the Islamic teachings related to animal welfare. As such the discussion will focus on the Sections of the planned Act.

With reference to animal welfare in transport, Section 27 of the Bill requires the transporter of animals, owner or operator to provide adequate, clean and sanitary facilities including sufficient food and water for the safe

conveyance and delivery to the consignee (sub-section 1). It also forbids making confinement or restraint on animals while being transported (sub-section 2). This clearly shows that Malaysia has committed itself in the planned Act to the international standards set out by the OIE embodied in the Articles of UDAW which require that animals not be treated cruelly during transport. By virtue of this section, animals during transportation should be provided with food and water. They should not be marched on foot or carried in overcrowded truck. They should be unnecessarily beaten or caused fatigue, etc.

At the same time, what is provided in the above Section is in line with the Islamic teachings related to the treatment of animals in transport. As stated in the hadith mentioned earlier, the Prophet (PBUH) taught Muslims to allow the camels a portion of the verdant land when they travel through it to speed when they travel through the barren land and to avoid the road when they stop for the night for the reason mentioned in the hadith. The Prophet not only taught Muslims to be kind to animals but began this with teaching His own wife as seen in the hadith when He advised his wife to treat an unruly camel that she was riding kindly.

As the welfare of the pet animals is concerned, Section 28 (1) provided welfare to pets while they are transferred by sale or prize to people under 12. It made it an offence to sell a pet animal to a person whom he has reasonable cause to believe to be under 12 unless the said person is accompanied by an adult. In case that the person under 12 receives the pet animal as a prize, arrangement should be made to receive the consent of his or her guardian. This affirms Malaysia's adherence to the international standards on the welfare of pets. Likewise, it shows the country's observance of the Islamic teachings with regard to pets. As seen earlier, the hadith about the woman tells that she was punished for keeping a cat to death without supplying it with food or drink or setting it free to seek anything to eat.

With regard to the prevention of harm against animals, Section 29 titled "Cruelty Offences" provides in details animal protection against cruelty. It spells out all acts or omissions that are considered cruel to animals. These include: cruelly beating, kicking, over-riding, over-driving, over-loading, torturing or terrifying animals. Animals are also protected against negligence of their supply with food and water during transport, wantonly or unreasonably doing or omitting to do an act or carrying the animal in a position that causes unnecessary pain or suffering to it. Welfare also extends to the prohibition of causing disease, infirmity, wound or sore to the animal as well as keeping the animal in a receptacle that does

not permit it the opportunity to its natural movement. In addition, it also extends to keeping the animal chained and failure to supply it with food, water or shelter to mention just a few.

The above provisions comply with the international standards on animal cruelty. They also meet the Islamic teachings on this matter as indicated in the holy Qur'an and the hadiths of the Prophet (PBUH) including the hadith that forbids physical injuries to animals such as beating or branding animals on the face and the hadith that forbids clipping forelocks, manes or tails of horses for the grounds mentioned in the hadith.

With regard to animal slaughter, the planned Act pays attention to animal life. It does not permit absolute animal killing. Section 31 prohibits the killing of animals unless doing so is for human consumption, the animal is incurably ill, putting an end to misery suffered by the animal doing so prevents imminent danger to life or limb of human beings, control of animal population or other reasons determined and certified by veterinary authority or registered veterinary surgeon. Section 24 (5) requires humane handling of slaughter while Section 68 stipulates following the prescribed code of practice with regard to the handling of animals prior to slaughter and slaughter process.

Here not only Malaysia is adherent to the international standards with regard to animal slaughter but also it is a role model for other nations. It worth-mentioning here that one of the conditions of the meat to be classified and branded as halal is meeting the guidelines and rules laid by Islam in the slaughter of an animal. Malaysia has become a benchmark at least for countries in Northeast Asia in terms of checking the requirements for issuing the halal food licenses. This advancement is mainly due to Malaysia's observance of the Islamic teachings related to animal slaughter as one of the components of its local religious values being a country of >60% muslim majority. As seen earlier, killing of animals is forbidden except for justifiable reason such as using of the animal's meat for food. When the killing is based on justifiable reason, it should be handled within specified guidelines.

Furthermore, the planned Act organizes the administration of poisons to animals. Section 32 forbids administering poisonous or injurious drug or substance to animals or causing any drugs or substance to be taken by animals unless this is done with lawful authority or reasonable cause. This shows Malaysia's observance of the Three Rs Principle that is adopted as an international standard in the use of animals in research, testing and teaching. Although, this principle is not explicitly mentioned in the Islamic teachings, yet it could be

reached through the general guidelines that prohibit animals for purpose as seen in the hadith seen earlier.

Other provisions also comply with international standards and the Islamic teachings. Section 33 made its an offence causing animal fight, receiving money for admission to an animal fight, publicizing a proposed animal fight, providing information about it or making or accepting a bet on the outcome of an animal fight, taking part in the fight having in possession anything that could be used in connection with the fight, keeping or training an animal for the fight or keeping any premises for that purpose (sub-section 1). It also outlawed presenting at animal fight or supplying or publishing or showing or possessing media of that without lawful authority or reasonable cause (sub-section 2) (Borneo Post Online, 2014).

The provisions of Act is said to be dramatically increasing penalties for animal cruelty as well as offering more legal protection for animals. It is considered some of the most progressive and comprehensive animal cruelty laws in the world and a big step for global animal welfare (Helton, 2013). This is in line with the Islamic teachings contained in in the hadith narrated by Ibn Abbas and the hadith narrated by Ibn Umar, cited earlier. In the two hadiths, the Prophet (PBUH) forbids inciting animals to fight or using them as a target.

Lastly, the same could be said about the provisions on animal distress. Section 34 deals detailed the procedures to be followed for the animal to be destroyed. It shows that the Bill protects animals against distress. Likewise, other provisions of the planned Act are all in line with the international standards and the Islamic teachings. Animal welfare as stated in section 24 (2) of the Animal Welfare Bill 2012, includes:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behavior patterns
- Any need it has to be housed with or apart from, other animal
- Its need to be protected from pain, suffering, injury and disease

Section 26 of the Bill provides regulations with regard to the usage of animal in research, testing and teaching. Sub-section 1 states that: No person shall use animals in research, testing and teaching unless:

- All reasonable steps are taken to ensure that the physical, health and behavioral needs of those animals are met in accordance with both good practice and scientific knowledge

- When the animals are ill or injured they shall receive where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress
- Where because of the nature of the research, testing or teaching, the needs referred to in section (a) cannot be fully met or the treatment referred to in section (b) cannot be provided, any degree of pain or distress is reduced to the minimum possible in the circumstances”

To reinforce the above provision with regard to animal usage for the said purposes, sub-section (2) requires certain conditions in the person or institution using the animal. For the above provision, usage of animals is restricted to scientific purposes only. It requires that the institution to be a scientific establishment that holds a license and the person should be a staff member or student at that institution. The animal ethics committee should give approval to the usage in research, testing or teaching. In addition, the usage should be restricted to the purposes stated in the license and approval. It also forbids breeding animals for the above purposes without approval.

CONCLUSION

The international community has awakened to the need to ensure animal welfare. Efforts have resulted in the introduction of the Universal Declaration on Animal Welfare (UDAW) which aims at creating awareness about animal welfare. It has recognized animals as sentient beings and set the Five Freedoms required for the welfare to be realized and the Three Rs Principle that governs the use of animals for scientific purposes in research, testing and teaching. On the other hand, the Islamic religion has well detailed rich teachings on animal welfare. Islam affirms that animals have their own communities in which they are grouped as humans do. It also acknowledges animals as sentient beings not created in vain but for some meaningful purposes. It clearly explains to humans that one of the purposes for the creation of animals is as a resource for the use by human beings in several ways. These include using their skins and hair as warm clothes, eating their meat and riding on them using them for the transport of loads and using them for recreation to mention a few. However, Islam does not allow an absolute manipulation of animals. It places restrictions on their use. It restricted riding and carrying loads on animals as well as hunting animals. It prohibits all forms of cruelty against animals including but not limited to mutilating animals, abusing them using them in fight, branding or beating their faces, clipping the forelocks of horses or their manes or the tails. Other teachings include forbidding of cutting off from an animal while it is alive and using of animals as

a target. It advises Muslims on how to slaughter an animal. In addition, general statements were made for the kindness to animals as living creatures including pet and companion animals whereby they should also be supplied with their needs of food, water and shelter as well as receive humane treatment. Yet Malaysia has managed to observe both the international standards and the Islamic teachings in this respect. Not only is this observance is clear from the efforts it has made with other members of the international community but also with the planned Animal Welfare Act 2012. Although, it is still waiting for endorsement by the Parliament, the provisions of the Act clearly show the country's adherence to the said international standards. They also show that it Malaysia is in compliance with the Islamic teachings as the planned Act, at the same time, embodies the teachings stemmed from the holy Qur'an and Sunnah of the Prophet (PBUH) in animal welfare.

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