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SAMAK THE UNCLEAN? CONTRASTING VIEWS OF IBN QUDAMAH AND IMAM AN-NAWAWI ON THE PURITY OF CARCASS SKINS

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Abstract This article aims to analyze the causes of differences in the opinions of Imam Ibn Qudamah and Imam an-Nawawi on the status of the purity of carcass skin and choose the opinion that contains benefits to be implemented. The method used is qualitative with tarjih analysis, which describes how the status of tanned carcass skin by comparing two scholarly opinions, namely Imam Ibn Taimiyah and Imam an-Nawawi, and then choosing which opinion is the strongest. The data sources used are secondary data sources, namely Kitab Majmu' Fatawa by Imam Ibn Taimiyah and Kitab Raudhatul Thalibin by Imam an-Nawawi as well as books and articles based on OJS (Open Journal System). Data processing techniques are carried out by processing library materials (library research). Techniques in analyzing data analyzed by exploratory descriptive analysis using reduction, display, and verification techniques. The results of this study; first, the cause of the difference is based on the use and understanding of the argument and the method of istinbath law used. Second, after analyzing the two opinions, Imam an-Nawawi's opinion contains benefits and can be applied in the use of carcass skin to produce quality products provided that it goes through the *samak* process.

Keywords: *Carcass, Imam Ibn Qudamah, Imam an-Nawawi, Samak.*

INTRODUCTION

Many items used daily by humans are made from animal leather, a material known for its luxury, strength and durability. Items such as leather jackets, sofas, and shoes often utilize animal skins to enhance the aesthetics and durability of the product. The use of animal skins has been an important part of human culture for centuries. However, behind this utilization, questions arise regarding the related laws and ethics, especially regarding the status of using

carcass skins or skins from certain animals that have different views in Islamic law (Mangka, Mahmuddin, and Nasruddin 2024)

The skin of a carcass - an object that is often considered unclean and unfit for use. However, what if the skin is *samak*, going through a process that transforms it into a clean, usable piece of leather? Does *samak* really change its unclean status to holy? This question is not just technical but has sparked controversy among scholars today. Two

major figures in Islamic law, Ibn Qudamah and Imam An-Nawawi, have contrasting views.

Imam Ibn Qudamah has a different view that is equally strong. According to him, even though the skin of a carcass has been tanned, its uncleanness remains. The *samak* process, for Ibn Qudamah, is not enough to remove the essence of the impurity that is in the carcass, so its use is still prohibited, no matter how clean the *samak* results are. . He explains in al-Mughni (Qudamah 1999):

وَكُلُّ جِلْدٍ مَيِّتَةٍ دُبَّ بَعٍ أَوْ لَمْ يَدُبَّ بَعٌ فَهُوَ نَجِسٌ لَا يَخْتَلِفُ الْمَذْهَبُ فِي
وَلَا نَعْلَمُ أَحَدًا خَالَفَ فِيهِ، وَأَمَّا بَعْدَ الدَّبِّ نَجَاسَةُ الْمَيِّتَةِ قَبْلَ الدَّبِّ،
فَالْمَشْهُورُ فِي الْمَذْهَبِ أَنَّهُ نَجِسٌ أَيْضًا

Translate :

“All carcass skins, whether tanned or untanned, are unclean. The scholars of the Hanbali madhhab do not differ concerning the uncleanness of carcass skin before it is tanned, and we do not know of any scholars who differ. However, after it has been tanned, the most common view in the madhhab is that it is also unclean.”

Ibn Qudamah, in his work Al-Mughni, expressed a firm view on the prohibition of using carcass skins, even if they have been tanned. According to Ibn Qudamah, the uncleanness of carcass skins cannot be removed simply by the *samak* process, because the uncleanness is considered to be inherent in the original substance of animals that have died without being slaughtered in a shar'i manner. For Ibn Qudamah, *samak* may change the physical aspect of the skin, making it look clean and durable, but it cannot lift the status of impurity in shar'i terms (Nuryana, Isa, and Fikri 2023).

This view applies even more generally, not only to animals such as dogs and pigs that are unclean but also to all types of animals that die as carcasses. In this case, Ibn Qudamah takes a strict position, arguing that the impurity of the carcass remains attached to all parts of the animal, including

its skin, regardless of any process that might be carried out to change its appearance. Thus, even if the carcass's skin can be tanned so that it does not smell or change shape, for Ibn Qudamah, this change is only physical and has no implications for its halal or sanctity status.

Ibn Qudamah's approach is rooted in the principle of caution in maintaining the boundaries set by Shari'ah regarding what is considered unclean and pure. He believes that an unclean item remains unclean until there is clear shar'i evidence that changes its status. In the case of carrion skins, he found no evidence to suggest that *samak* would make them pure. Therefore, he prefers to prohibit the use of carcass skins altogether in order to maintain the honour of the laws of purity in Islam.

However, Imam an-Nawawi is of the view that *samak* is a process of purification. For him, after *samak*, the carcass skin becomes pure, allowing Muslims to use it as a legitimate object. In his view, Islam does not prohibit utilizing what has been cleansed through human effort, even if its origin is carrion. He explains in his book Raudhatu ath-Thalibin wa Umdat al-Muftyin (An-Nawawi 1992):

وَالثَّانِي: أَنْ يُدْبَعَ جِلْدُ الْمَيِّتَةِ، فَيَطْهَرُ بِالدَّبِّ بَعًا مِنْ مَأْكُولِ اللَّحْمِ
وَعَيْرِهِ، إِلَّا جِلْدَ كَلْبٍ، أَوْ خَنزِيرٍ، وَفَرَّعَهُمَا، فَإِنَّهُ لَا يَطْهَرُ قَطْعًا

Translate :

“Secondly: tanned carcass skins. Any animal whose meat is permissible, or any other animal that is not permissible, is pure when tanned except dogs, pigs, and their offspring. That is because they cannot be purified originally”

Imam An-Nawawi has a different view on the status of tanned carcass skins. According to Imam An-Nawawi, the *samak* process can remove the impurities inherent in carcass skins, making them pure and usable. On this basis, Imam An-Nawawi allows the use of tanned animal skins for

various needs, including as materials for making household appliances, clothing, and other useful items. He considers *samak* a valid method of purification in Shariah, making the carcass skin clean and usable again without worrying about its impurity.

However, this permissibility is not absolute. Imam An-Nawawi made a clear exception for the skins of dead dogs and pigs. He argues that even if tanned, the skins of these two animals should not be used. The reason is that dogs and pigs are unclean and forbidden in Shari'ah, as mentioned in the Qur'an and hadith. Their uncleanness does not only stem from their death as carrion but is also related to their basic nature, which is unclean in both living and dead states. Therefore, according to Imam An-Nawawi, the skins of these animals remain impure, even after *samak*, making them unlawful to utilize in any form.

In Imam An-Nawawi's view, this basic principle ensures that the boundaries of halal and haram in utilizing animal objects are well maintained. Purification through *samak* applies to the skins of carcasses other than dogs and pigs so that Muslims can utilize them without doubting their sacred status. However, for dogs and pigs, the Qur'an and hadith give special emphasis that cannot be changed by *samak* alone. This exception reflects a cautious attitude in taking the law, ensuring that the cleanliness and purity of the law are maintained as per the guidelines of the Qur'an and Sunnah.

This difference of opinion is more than just a legal argument. It is a battle of principles about what is considered holy or unclean in Islam and how far the limits of the Shariah go when it comes to the purification of objects. Why does Ibn Qudamah believe that *samak* can change impurity, while Imam An-Nawawi rejects this concept? What made these two great scholars, who studied Islamic law intensively, come to such opposite conclusions?

Research related to the controversy of the process of *samak* in purifying animal skins is a matter of debate in academia, several previous studies have colored the dimensions to discuss it in depth, including; first, the concept and law of *samak*: (Mangka, Mahmuddin, and Nasruddin 2024); (Nuryana, Isa, and Fikri 2023); (Yusof et al. 2023); (Sari and Syatar 2021); (Saleh, Hidayat, and Srisusilawati 2023). Second, products produced from *samak* animal skins: (Wulandari, Sugiyanto, and Samiyo 2024); (Nur, Fahrullah, and Ibrahim 2017); (Mochammad Iqbal Syidik, M Dzikron, and Bachtiar 2021); (Indrawijaya, Windarti, and Suryani 2020). Third, supporting materials in the *samak* process: (Eskak and Susanto 2023); (Wibowo et al. 2023); (Rachmawati et al. 2021); (Sutyasmi, Widowati, and Setyadewi 2016). Fourth, the implementation of *samak* practices in the community, (Suwarno and Priantina 2024); (Dahlia and Sembiring 2023); (S Mutiar, Yusmita, and Kasim 2023); (Rachmawati, Adetya, and Robbika 2022); (Sri Mutiar et al. 2021); (Tristiyono et al. 2021); (Nuraini 2019); (Sulistyaningsih, Syahri, and Lucitasari 2018). This research offers a significant contribution by filling in the gaps in existing studies, especially those related to the concept and legal status of utilizing animal skins that have been cleaned through the tanning process. In contrast to previous studies that focus on a general understanding of the concept and legal status at large, this study explores two contradictory scholarly opinions regarding the status of the sanctity of animal skins after tanning. The opinions studied in this research come from Imam Ibn Qudamah and Imam an-Nawawi, two important figures in the history of Islamic legal thought, each of whom has a different view regarding the feasibility of using animal skins after going through the tanning process.

Imam Ibn Qudamah, with his strict approach, considers that animal skins derived

from carcasses remain unclean even if they have been tanned, because the prohibition of carcasses in his view is comprehensive to all parts of the animal's body. In contrast, Imam an-Nawawi adopts a more flexible approach, recognizing that tanning removes the impurity of the skin, so that the tanned animal skin becomes pure and suitable for use, except for the types of animals explicitly prohibited in the Qur'an, such as dogs and pigs.

These differing views affect conclusions about the appropriateness and sanctity of animal skins used in various products, ranging from clothing to other items. Therefore, this research offers an important novelty value, namely examining in depth the differences in the views of these scholars and how the implications for products that use animal skin, as well as providing new insights into how Islamic law can accommodate the times without leaving the basic principles of sharia. This research is worthy of further study because it can enrich the treasures of Islamic law, especially in terms of the utilization of natural resources that are in contact with the issue of the sanctity and feasibility of animal skin-based products

METHODS

The research method used is qualitative research with tarjih analysis, which describes the status of tanned carcass skin by comparing two scholarly opinions, namely Imam Ibn Taimiyah and Imam an-Nawawi, then choosing which opinion is the strongest. The data sources used are secondary data sources, namely Kitab Majmu' Fatawa by Imam Ibn Taimiyah and Kitab Raudhatul Thalibin by Imam an-Nawawi as well as books and articles based on OJS (Open Journal System). Data processing techniques are carried out by processing library materials (library research). Techniques in analyzing data analyzed by exploratory

descriptive analysis using reduction, display, and verification techniques

DISCUSSION

Causes of Dissent

Ibn Qudamah and Imam an-Nawawi do have very conflicting views on the ruling on tanning animal skins, although both refer to strong evidence from the Qur'an and hadith as the basis for their rulings. These differing views reflect differences in methods of interpretation and application of Shari'ah principles in different contexts, which in turn affect the application of the law in society.

Ibn Qudamah, a scholar of the Hanbali school of thought, argues that tanning animal skins derived from carcasses is still invalid and considered unclean, based on a deep understanding of the Qur'anic verses that forbid carcasses. For Ibn Qudamah, the impurity of carcasses is comprehensive and cannot be removed by the tanning process alone. This view shows a strict approach to the law, in which he emphasizes the absolute prohibition of all parts of the body of a dead animal.

Meanwhile, Imam an-Nawawi, with a more flexible approach, argued that tanning animal skins can remove impurity and make them pure and fit for use. Imam an-Nawawi adheres to the principle of takhsis, which is an exception to a general prohibition, by referring to the traditions that explain the exception of tanned animal skins. In Imam an-Nawawi's view, although carrion is generally forbidden, there is a concession granted for tanned animal skins, except for certain types of animals such as dogs and pigs, which are expressly forbidden in the Qur'an.

The contradiction between these two opinions illustrates the importance of methodology in understanding and interpreting texts in Islamic law. Each scholar, with his own approach and emphasis, produces different interpretations, even though they both use the same source of law.

This difference also shows how the principles of sharia can be applied in different ways, depending on the context and needs of society at any given time.

Thus, these differences of opinion not only create variations in legal interpretation, but also provide space for Muslims to understand and apply the law more contextually, according to their needs and situations. Despite the differences, they are still rooted in the authentic texts, and these differences show the depth of ijtihad of the scholars in developing Islamic law that is relevant to the times.

In al-Mughni, Ibn Qudamah states that there is agreement among scholars regarding the uncleanness of animal carcasses before tanning. However, even if the skin has been tanned, the general view is that it remains unclean. Hanbali scholars, including Ibn Qudamah, strictly prohibit the use of these animal skins, as tanning is not considered to remove the impurity completely or to remove the residual impurities attached to the skins. (Qudamah 1999). Ibn Qudamah still adhered to Qs. al-Maidah: 3

الْحَنِزِيرِ وَالْحَمِّ وَالِدَمِّ الْمَيْتَةِ عَلَيْكُمْ حُرْمَتٌ

Translate :

“Forbidden to you (to eat) carrion, blood, pork,.....”

In addition, the reason why tanning carcass skins is prohibited is because they are from dead animals, and carcasses are basically forbidden to be used or even eaten. In the same way that meat is considered unclean because of the death of the animal, it is considered unclean in the same way as if it had not been tanned (Qudamah 2007, 120).

Ibn Qudamah argued with the scholars who allow the skins of dead animals to be used for tanning that the skins are unclean because of the contact of the blood and fluids with the flesh of the dead animal. He thinks that this is incorrect, because if the

skin became unclean for this reason, it would not be unclean if it was clean, and the same applies to the skins of animals slaughtered by the Magi and idolaters, animals cut in two while alive, and animals slaughtered without mentioning the name of Allah. That is because there is no factor that causes it to be unclean. In addition, any game animal that has not been cleaned of its blood and fluids must also be considered unclean (Qudamah 1999)

Then, the tradition that became the source of evidence for Ibn Qudamah, narrated by Abdullah bin Ukaim that the Prophet once wrote a letter to Juhainah which read:

.....إني كنت رخصت لكم في جلود الميتة، فإذا جاءكم كتابي هذا فلا تتنفعوا من الميتة بإهاب ولا عصب

Translate :

“..... Indeed, I have granted you leniency regarding the ruling on the skins of dead animals, but when this letter of mine comes to you, you should not make use of any of them, neither their skins nor their veins (HR. Abu Daud dan Ahmad)”

Imam Ahmad said that the chain of transmission of this hadith is good, and it was also narrated by Yahya b. Sa'id from Shu'bah from al-Hakam from Abdurahman b. Abu Laila from 'Abd Allah b. Ukaim. In another narration mentioned with lafazh: A letter of the Messenger of Allah (SAW) came to us a month or two before he died..

أتانا كتاب رسول الله صلى الله عليه وسلم قبل وفاته بشهر أو شهرين : ألا تتنفعوا من الميتة بإهاب ولا عصب (رواه ترميد (

Translate:

“Abdullah ibn Ukaim reported: A letter came from the Messenger of Allah (SAW) a month or two before his death saying: Do not use the skin of carcasses by tanning (HR. Tirmidzi)”

The hadith in question in this context is seen as a nasikh, which is an eraser or annulment of the previous law. This hadith was delivered at the end

of the Prophet's lifetime, which indicates that there was a change in the understanding or application of the law that was more flexible. The memorization of the Hadith which states that "I have given you leniency" shows that there is leeway given by the Prophet SAW regarding certain issues that were previously considered more stringent. This indicates a change in the application of the law that is more directed towards ease and relief for Muslims, along with the times and the needs of the community.

However, some scholars are of the opinion that it is a *mursal* tradition i.e. a tradition that is narrated without mentioning the name of the narrator who transmitted it so that there is uncertainty as to who transmitted the tradition. However, this view is not accepted by all scholars, especially those of the Hanbali school. They argue that letters issued by the Prophet to kings and rulers in various countries, even though there is no mention of the bearer, are still considered as valid proofs or arguments. For them, the position of the Prophet's letter is the same as his direct speech, because the letters he sent to rulers outside Medina are part of the *da'wah* of Islam which must be accepted as revelation and legal guidance (Qudamah 1999).

According to the view of the Hanbali scholars, if the Prophet's letter is considered not to be used as a valid proof or argument, then a big problem will arise, namely Muslims outside Medina will not feel obliged to answer the call or follow the Prophet's *da'wah*. This is certainly contrary to the purpose of *da'wah* Islam itself, which is universal and must be accepted throughout the world. Therefore, although there are differences of opinion regarding the status of this hadith, Hanbali scholars still view it as part of the Prophet's

instructions that must be respected and accepted as proof in determining the law.

Thus, the hadith is not only an explanation of the law, but also part of the Prophet's method of proselytizing which continues and is accepted as a guide to Muslim life. This understanding shows that in the practice of Islamic law, any changes or concessions given by the Prophet SAW must be viewed with full respect and made a valid legal basis, especially if it is conveyed directly by the Prophet SAW, either orally or in writing (Qudamah 1999). In another narration, it is also mentioned:

.... لا تنتفعوا من الميتة بشئ.....

Translate :

"Do not utilize anything that comes from a carcass".

Ibn Qudamah argues that the permissibility of utilizing carcass skins has a strong historical basis in the practice of the Prophet's Companions, especially when they conquered Persia. In that event, the Companions were known to utilize animal skins that were previously considered unfit for use, making them into saddles for their horses or support materials for their weapons. This use shows that there is flexibility in Islamic law to utilize something that, although originally forbidden, can become useful after going through a certain process that removes the harmful element. Ibn Qudamah considers that this kind of utilization is permissible because it does not cause harm or negative effects, either physically or legally. The skin of a carcass, after going through tanning or a similar process, is considered to have lost the elements that have the potential to cause harm, so it can be used safely. This view shows sensitivity to the practical needs of the *ummah*, especially in urgent situations, where utilizing something that is available becomes necessary for survival or the performance of a particular task.

In this way, Ibn Qudamah provides a view that emphasizes the balance between the provisions of sharia law and practical needs on the ground. He shows that Islamic law always considers the benefits and potential harms of a ruling, allowing flexibility in situations that require emergency or urgent solutions, as long as they do not contradict the basic principles of Shari'ah (Qudamah 1999)

After presenting the opinion of Ibn Qudamah along with the evidence and explanations, he concluded that the law that must be implemented in life regarding tanning animal skins is prohibited. Although there is a possibility that the Prophet SAW allowed tanning animal skins, but at the end of his life the Prophet SAW had conveyed his hadith about the prohibition of tanning animal skins for any matter.

In contrast to Ibn Qudamah's opinion, Imam an-Nawawi has his own view in assessing the tanning of animal skins, he argues that any skin that is unclean after death can be purified by tanning except dogs and pigs and the bodies of both parts (An-Nawawi 1992). He thinks that every animal that becomes unclean because it dies, meaning that all animals except dogs and pigs are pure, but they become unclean when the animal dies and turns into carrion..

However, not all animals become unclean because they die; there are some animals that remain pure even if they have become carrion, such as fish, locusts, animal fetuses after their mothers have been slaughtered, game animals if they are killed by dogs or arrows with conditions, and humans. (An-Nawawi 1992)

All of these are carcasses that are pure in flesh and skin. But locusts do not have skin, and fish, some of which have skin while others do not, such as the great whale, and the fetuses of animals and game have skin. Thus, those that do not have skins are used without tanning in relation to all uses such as buying and selling, using them when they are dry,

wet, and so on (An-Nawawi 1992). As for human skin, according to the saheeh opinion according to the Mazhab al-Shafi'iyah, human skin does not become unclean when it dies; it remains pure both when it is alive and when it dies, but it is not allowed to be used; in fact, this applies to all parts of the human body that have died because of their honor and glory.

Imam an-Nawawi commented on the words of Allah SWT in Qs. al-Maidah: 3

الْحَنِزِيرِ وَالْحَمِّ وَالْدَّمِ الْمَيِّتَةِ عَلَيْكُمْ حُرْمَتٌ

Translate:

“Forbidden to you (to eat) carrion, blood, pork,.....”

Imam an-Nawawi said that this verse is general and must then be limited by the specificity of the hadith (An-Nawawi 1992). In general, the scholars of the madhhabs allow tanning leather, and those who claim that the tradition narrated by Abdullah ibn Ukaim is a weak tradition, because Abdullah ibn Ukaim never met the Prophet Muhammad, but it was only a narration from a letter they received. They also gave the reason that he was disputed and narrated from unknown sheikhs and it could not be ascertained that they were from the generation of the Companions (an-Nawawi 2010, 492).

There are several reasons why Imam an-Nawawi is still firm in his opinion regarding the tanning of animal skins, despite Ibn Qudamah's explanation and evidence, namely (An-Nawawi 2016):

- a. The Hadith narrated by 'Abdullāh ibn Ukaim is a Hadith that is only Mursal in degree
- b. The evidence of the narrated hadith is also in the form of a letter from the Prophet Muhammad and is still disputed, while the source of the hadith used by Imam an-Nawawi is

stronger and clearly sourced from the Prophet Muhammad SAW.

- c. The prohibition is general, whereas the Hadith on which Imam an-Nawawi relies is more specific, i.e. it explicitly prohibits the use of carrion skins and explicitly permits the tanning of carrion skins in order to benefit from them.
- d. The word الإهاب means the skin in its pre-tanned state, if it has been tanned then the term is not الإهاب.

Hadith narrated by Abu Daud that Maimunah, a wife of the Prophet SAW asked the young men who brought the carcass to take the skin and tanned it so that it was pure so that it could be taken advantage of.

... لو أخذت جلودها فنتفعت... ..

Translate:

“Why don't you take its skin so that you can utilize it”?

Abdullah ibn Abbas said that the Prophet Muhammad said about the permissibility of tanning animal skins. In the hadith that the carcass of a dead animal is forbidden to utilize all its organs, because they have become unclean. But on the other hand, if the skin of the dead animal is tanned until it is clean so that it does not smell rotten. The result of the tanned skin becomes pure and ready to be utilized in the benefit of people's lives.

إذا دبغ الإهاب فقد طهر

Translate:

“When the skin of a carcass is tanned, it is indeed pure”

The word طهر is mentioned with the fathah and dhammah harakat on the letter ha, but the fathah harakat is more common. Then the word الإهاب (leather) is mentioned with the kasrah harakat on the letter hamzah. The plural form is الإهاب (kulit) which is with the dhammah harakat on the hamzah and ha.

Bentuk jamaknya adalah الأهاب yakni dengan harakat *dhammah* pada huruf *hamzah* dan *ha* (An-Nawawi 2016)

Then there is the Hadith narrated by Umm Salamah regarding the permissibility of tanning animal skins:

...بأس بجلد الميتة إذا دبغ ولا بشعرها إذا غسل

Translate :

“Umm Salamah reported that the Prophet said: There is nothing wrong with the skin of a carcass if it has been tanned, nor its hair if it has been washed (HR. Bukhari and Muslim)”

Imam an-Nawawi in his view on the law of tanning animal skins uses a method of legal *istinbath* that combines the arguments of the Qur'an and hadith. In particular, he applied the principle of *takhsis*, which is specializing in general laws, to understand QS. Al-Maidah: 3 which forbids carrion in its entirety. This verse states that the carcass of a dead animal is unclean and cannot be utilized, let alone consumed. However, this understanding is detailed by the Prophet's hadith, which emphasizes the generality of the verse. Imam an-Nawawi refers to the traditions narrated by Abdullah bin 'Abbas and Umm Salamah, which explain that the skin of a carcass can become pure after going through the tanning process.

These hadiths form an important basis for Imam an-Nawawi's view that tanning is an effective way to remove the impurity of carcass skins. He also emphasized that tanned skins are allowed to be used for various purposes, with the exception of dog and pig skins. These two animals are still prohibited based on the Qur'anic and Hadith evidence, because their uncleanness is absolute, both in terms of substance and law. Thus, Imam an-Nawawi's view shows the flexibility of Islamic law in providing solutions that remain within the boundaries of Shari'ah.

On the other hand, Ibn Qudamah, a great scholar of the Hanbali school, had a

different view. He rejected the permissibility of tanning carcass skins, basing his argument on QS. Al-Maidah: 6 and the Prophet's traditions narrated by Tirmidhi, Abu Daud, and Baihaqi. In Ibn Qudamah's view, the prohibition of carcasses is absolute, including all parts of the body such as meat, skin, and bones. He understands that the tanning process is not able to remove the impurity inherent in the skin of the carcass, so it is still not allowed to be used in any form.

This difference reflects two different approaches to Islamic law. Ibn Qudamah emphasizes the generality of the Qur'anic texts and hadiths, as well as caution in interacting with something that is deemed unclean. Meanwhile, Imam an-Nawawi chose to narrow the generality of the law through takhsis based on arguments that support such flexibility. Imam an-Nawawi's view provides a greater opportunity for Muslims to utilize tanned animal skins, as long as the process is done properly and does not involve types of animals whose uncleanness is confirmed absolutely in sharia (Az-Zuhaily 2014).

Analysis of the Opinions of Imam Ibn Taimiyah and Imam an-Nawawi on the Legal Status of Waqf Istibdal

Ibn Qudamah and Imam an-Nawawi are two great scholars who offer different views on the legal issue of tanning carcass skins. This difference is interesting because both of them base their opinions on the arguments of sharia, namely the Qur'an and the traditions of the Prophet Muhammad SAW, but use different *istinbath* methods, thus reaching conclusions that are not similar. In understanding QS. Al-Maidah: 3, which explicitly forbids carrion, Ibn Qudamah takes a *qiyas* or analogy approach. He argues that if the flesh of a carcass is deemed unclean and forbidden, then its skin has the same legal status. According to him, meat and skin are inseparable parts of the body of a dead animal, so the uncleanness inherent in the

carcass is comprehensive and cannot be removed through any process, including tanning. For him, the uncleanness of carcasses is not only physical but also has an absolute legal dimension based on the generality of the verse. Ibn Qudamah argues that allowing the use of carcass skin, even if it has been tanned, could open the door to violating the prohibition that has been confirmed by Allah SWT. This view, he argues, maintains prudence in human interaction with something that has been explicitly ruled unclean in sharee'ah.

On the other hand, Imam an-Nawawi proposed a different view by emphasizing the principle of *takhsis* or exception to the law. He understands that although QS. Al-Maidah: 3 prohibits carrion in general, there is a need to limit the scope of this prohibition through exceptions indicated by authentic traditions. One of the traditions states that tanning the skin of a carcass removes its unclean nature, making the skin pure and usable. Imam an-Nawawi considers that the tanning process can change the legal status of the carcass skin, provided that it is done in the right way to ensure its cleanliness and usefulness. For him, the traditions that speak of tanning do not contradict the Qur'anic verse, but rather explain that the prohibition of carrion in the verse does not include tanned skins. This shows how Islamic law allows for exceptions in certain situations, provided that the exceptions are based on clear evidence.

Imam an-Nawawi's view is considered more flexible and applicable, especially in the context of modern life. Today, animal skins have become an important material in various industries, such as the manufacture of clothing, footwear, bags, and furniture. Imam an-Nawawi's approach allows the use of tanned animal skins without violating Shariah, as long as the process meets the established criteria of cleanliness. This reflects the dynamic, contextual and relevant nature of Islamic law

in various situations of the times. In addition, the approach adopted by Imam an-Nawawi makes it easier for the general public to understand sharia law, as it clarifies the generality of Qur'anic verses with more practical explanations through the traditions of the Prophet Muhammad. In this way, Islamic law is not only strict but also inclusive and applicable in everyday life, making sharia a guide to life that not only regulates but also makes it easier for people to fulfill their needs.

The approach taken by Imam an-Nawawi shows how Islam as a perfect and merciful religion for all nature (*rahmatan lil alamin*) is able to create harmony between the basic principles of sharia and the evolving needs of the people in various times and places. The Qur'an, as the main source of law in Islam, provides a solid and comprehensive foundation in various aspects of life. However, the practical application of the Qur'anic verses often requires further explanation through the Prophet's hadith so that the message contained therein can be applied clearly, relevantly and contextually in everyday life.

Imam an-Nawawi, by combining Qur'anic and hadith arguments, showed that Islamic law is not static or limited to certain conditions, but is designed to respond to human needs throughout time. This approach allows Islamic law to continue to be relevant without compromising the basic principles of sharia that have been established. In the case of tanning carcass skins, for example, Imam an-Nawawi noted that the sahih traditions provide an exception to the generality of the verse on the prohibition of carcasses, so that tanned skins are considered pure and can be used, except for certain types of animals such as dogs and pigs.

This view shows the flexibility of Islamic law in responding to the practical needs of the people in various contexts, including in the modern era. By adhering to clear arguments and a strong method of

istinbath, Imam an-Nawawi offers applicable legal solutions without deviating from the main values of sharia. This flexibility allows Muslims to utilize resources wisely and efficiently while maintaining halal and sanctity in the process.

This shows that Islamic law, although based on divine revelation, has a dynamic nature that allows it to remain a relevant and practical guide to life. With an approach such as that offered by Imam an-Nawawi, Islam proves that it is a religion that is able to answer the challenges of the times, provide meaningful solutions, and still maintain a balance between the firmness of the law and the benefit of the people. This view strengthens the belief that Islamic law is not only a rule that regulates, but also a mercy that facilitates human life in various situations and times

CONCLUSION

According to Ibn Qudamah, dead animals, both meat and skin, cannot be used in any form because they are still considered unclean even though they have gone through the tanning process. The evidence on which this opinion is based is QS. al-Maidah verse 3, which generally forbids all forms of carrion, as well as a number of traditions narrated by Tirmidhi, Abu Daud, Ahmad, and al-Baihaqi. Ibn Qudamah emphasized that because the carcass is unclean, every part of it is also unclean, so it is forbidden to be utilized or used, including through the tanning process.

In contrast, Imam an-Nawawi is of the view that the utilization of animal carcass skins is permissible provided that the skins are tanned first to remove the impurity attached to them, with the exception of dog and pig skins which remain prohibited. Imam an-Nawawi also uses QS. al-Maidah verse 3 as the main evidence, but supports his view with traditions narrated by Abu Daud, Muslim, and Bukhari-Muslim, which indicate that tanning can remove the impurity of the skin, thus allowing its use.

The main reason for the difference of opinion between Ibn Qudamah and Imam an-Nawawi lies in their understanding of the same evidence but with different supporting traditions. Both scholars used QS. al-Maidah verse 3 as a reference that forbids carcasses, but Ibn Qudamah strengthened the prohibition of carcasses in every part through traditions from Tirmidhi, Abu Daud, Ahmad, and al-Baihaqi. Meanwhile, Imam an-Nawawi chose to support his opinion with traditions from Abu Daud, Muslim, and Bukhari-Muslim, which are considered more permissible for the use of carcass skin after tanning.

After analyzing the arguments of both scholars, the author tends to choose Imam an-Nawawi's opinion as the superior or *rajih* view. The main reason is because Islam is a religion that is flexible and not rigid in regulating various aspects of life. Although animal carcasses are generally forbidden, utilizing certain body parts such as leather may be permitted as long as the tanning process is carried out to clean the remaining impurities. In addition, Imam an-Nawawi's opinion is considered more relevant to the modern context, where the utilization of animal skins is commonly used in various industries, such as the manufacture of leather products. In this era, as long as the tanning process is done properly and in accordance with Shariah, the utilization of animal skins can be done without violating Islamic law.

Imam an-Nawawi's opinion not only offers a practical solution to utilize available resources, but also provides a more applicable and contextual view in today's life. Thus, the utilization of animal carcass skins through the tanning process is considered in accordance with Islamic principles, which not only pay attention to legal aspects, but also pay attention to the benefits and needs of mankind in various times.

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