



Review of Islamic Law on Keeping Pets That Defile Neighbors' Houses and Eat at Neighbors' Houses

**M Azhar Musaddiq, Ahmad Muhajir, Firqah Annajiyah Mansyuroh Muhammad Hendy
Anugerah, Jihan Cornelia Widyaningrum, Nurhalisah**

Faculty of Sharia, Antasari State Islamic University
Jalan Ahmad Yani, KM.4.5 Banjarmasin, Indonesia
e-mail: ajayazhar2502@gmail.com

ABSTRACT

This research examines the habits of pets owned by neighbors who often disturb and dirty neighbors' houses and also sometimes eat food belonging to neighbors without the knowledge or permission of the homeowners. The purpose of this research is to find out what is the law if keeping neighbors' pets often pollutes the neighbors' houses and sometimes eats the neighbor's food without the knowledge or permission of the home owner. What causes this problem to occur frequently in several residential areas. Even though everyone agrees that it is a disgraceful act to disturb other people's comfort and take what is not rightfully theirs, this research has differences from the legal approach to maintaining it. The research method used in this study is a field research method that often occurs at the researcher's house and around the researcher's house, namely the Pamukan Utara District of Kotabaru and is analyzed descriptively qualitatively, namely the discussion obtained by collecting data from interviews and sources of Islamic literature such as the Qur'an, hadith, and the opinion of the scholars regarding the problem of disturbing neighbors and eating something that does not belong to them. From the results of this study it can be concluded that keeping pets that pollute the neighbor's house and eating at the neighbor's house without the knowledge or without the permission of the owner of the house is illegal because it is a sin. This problem often arises in the community, and it is important for the community to know about the law in order to create harmony,

Keywords : Raising Pets, Disturbing, Neighbor's House

ABSTRAK

Penelitian ini mengkaji mengenai kebiasaan binatang piaraan punya tetangga sekitar yang sering mengganggu dan mengotori rumah-rumah tetangga dan juga terkadang memakan makanan punya tetangga tanpa sepengetahuan atau tanpa seizin pemilik rumah. Tujuan dari penelitian ini adalah untuk mengetahui bagaimana hukumnya jika memelihara binatang-binatang piaraan tetangga yang sering mengotori rumah-rumah tetangga dan terkadang memakan makanan punya tetangga tanpa sepengetahuan atau tanpa seizin pemilik rumah. Apa yang menyebabkan permasalahan ini sering terjadi di beberapa daerah pemukiman warga. Meskipun semua sepakat mengganggu kenyamanan orang lain dan mengambil yang bukan haknya adalah merupakan perbuatan tercela, tapi penelitian ini memiliki perbedaan dari pendekatan hukum memeliharanya. Metode penelitian yang digunakan dalam penelitian ini adalah metode penelitian lapangan yang

sering terjadi di rumah peneliti dan sekitaran rumah peneliti yaitu daerah Kecamatan Pamukan Utara Kotabaru dan dianalisis secara deskriptif kualitatif, yaitu pembahasan yang diperoleh dengan mengumpulkan data dari wawancara dan sumber kepustakaan Islam seperti Al-Qur'an, hadits, dan pendapat para ulama yang berkenaan dengan permasalahan mengganggu tetangga dan memakan sesuatu yang bukan hak miliknya. Dari hasil penelitian ini dapat disimpulkan bahwa memelihara binatang piaraan yang mengotori rumah tetangga dan makan dirumah tetangga tanpa sepengetahuan atau tanpa seizin pemilik rumah hukumnya adalah haram karena itu perbuatan dosa. Permasalahan ini sering muncul di lingkungan masyarakat, dan masyarakat penting mengetahui terkait bagaimana hukumnya agar terciptanya kerukunan, kenyamanan, dan ketenangan dalam bertetangga.

Kata Kunci : Memelihara Binatang Piaraan, Mengganggu, Rumah Tetangga

INTRODUCTION

Problems related to keeping pets that pollute neighboring houses and eating in neighboring houses without the knowledge and permission of the homeowner are very important to be examined from a legal point of view, because many pets are roaming and disturbing the comfort of neighbors which causes problems between neighbors due to the factor of pets owned by neighbors who disturb the comfort of surrounding neighbors....

This problem is very necessary to study because many people feel uncomfortable with this problem, sometimes there are homeowners who are rude to animals that like to dirty and like to eat food belonging to neighbors without the permission of the homeowner. Of course, this will make the homeowner sinful because he is emotional with the behavior of this neighbor's pet, so when he is rude to the animal it will actually make him sinful for hurting animals, which are living creatures created by Allah SWT.

This study will discuss how it is legal to keep pets if the conditions are like this, namely pets that are released by their owners and like to disturb the neighbors' housing and make the neighbors feel uncomfortable with it. So this research is very important for the community to know so that those who keep them do not fall into something that can cause sin, and for the neighbors also not to become sinful because of emotions because of pets that often disturb the comfort of neighbors certainly make neighbors emotional. If this continues then surely the neighbors will be emotional and result in doing violence to the animal.

METHODS

This study is qualitative in nature and analyzed with a literature review approach. The research method used in this study is a field research method that is analyzed descriptively qualitatively, namely the discussion obtained by collecting data from interviews and Islamic literature sources such as the Qur'an, hadith, and the opinions of scholars regarding the issue of disturbing neighbors and eating something that does not belong to them.

DISCUSSION

What is the Islamic Law Review on Keeping Pets that Defile Neighbor's House and Eat in Neighbor's House

Basically, keeping pets is permissible as long as you take good care of them, fulfill their needs, and do not hurt them. Based on several arguments from the Qur'an and the hadith of the Prophet Muhammad SAW. Verse of the Qur'an about keeping animals:

وَالْأَنْعَامَ خَلَقَهَا لَكُمْ فِيهَا دِفْءٌ وَمَنْفَعٌ وَمِنْهَا تَأْكُلُونَ ۝ وَلَكُمْ فِيهَا جَمَالٌ حِينَ تُرِيحُونَ وَحِينَ تَسْرَحُونَ ۝ ٦ وَتَحْمِلُ أَنْقَالَكُمْ إِلَىٰ بَلَدٍ لَّمْ تَكُونُوا بُلُغِيهِ إِلَّا بِشِقِّ الْأَنْفُسِ إِنَّ رَبَّكُمْ لَرَأُوفٌ رَّحِيمٌ ۝ ٧ وَالْخَيْلَ وَالْبِغَالَ وَالْحَمِيرَ لِتَرْكَبُوهَا وَزِينَةً وَيَخْلُقُ مَا لَا تَعْلَمُونَ ۝ ٨

"And He has created livestock for you; in them are warmth and various benefits, and some of them you eat.

And you get a good look at him when you bring him back to the stable and when you release him to the pasture.

And he carried your burdens to a land which you could not reach, but with hardships (that distressed) yourself. Indeed, your Lord is indeed the Most Merciful, the Most Merciful.

And (He has created) horses, mules and donkeys, that you may ride them and (make them) ornaments. And Allah created what you do not know" (Q.S An Nahl 5-8).

Furthermore, the Hadith of the Prophet Muhammad regarding the permissibility of keeping animals

عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ قَالَ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدْخُلُ عَلَيْنَا وَلِي أَخٌ صَغِيرٌ يُكْنَى أَبَا عُمَيْرٍ وَكَانَ لَهُ نَعْرٌ يَلْعُ بِهِ فَمَاتَ فَدَخَلَ عَلَيْهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَاتَ يَوْمٍ فَرَأَاهُ حَزِينًا فَقَالَ مَا شَأْنُهُ قَالُوا مَاتَ نَعْرُهُ فَقَالَ يَا أَبَا عُمَيْرٍ مَا فَعَلَ النُّعَيْرُ

"Anas bin Malik reported, "Once the Messenger of Allah came to us, and we had a little brother who was called Abu Umair. His little bird that he used to play with died. Then one day the Prophet entered and found him sad, he asked, "What happened to him?" the people replied, "His little bird died." He then said, "O Abu Umair, what is your little bird doing?""

From the hadith above, the Messenger of Allah ﷺ let the child keep and play with the bird he kept in the hadith above. And also the Prophet ﷺ did not order his family to release the bird.

رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ عُذِّبَتْ امْرَأَةٌ فِي هِرَّةٍ سَجَنَتْهَا حَتَّى مَاتَتْ فَدَخَ لَتٌ فِيهَا النَّارَ لَا هِيَ أَطْعَمَتْهَا وَسَقَتْهَا إِذْ حَبَسَتْهَا وَلَا هِيَ تَرَكَتْهَا تَأْكُلُ مِنْ حَشَائِشِ الْأَرْضِ

"The Messenger of Allah ﷺ said: "A woman will be tortured by Allah on the Day of Resurrection because she locked up a cat and it died. Therefore, Allah, the Almighty, will send her to Hell. She did not feed or water the cat, nor did she let it out so that it could catch the insects of the earth." (HR Muslim)

Imam Shaukani explained the hadeeth above: "This hadeeth is used to prove that it is haraam to keep a cat or other pet without giving it food and water, because this is a form of torture on Allah's creatures."

From some of the verses of the Qur'an and Hadith above, it can be concluded that keeping domestic animals is permissible as long as you do not torture them and fulfill their rights such as food and place.

Ruling on keeping pets that annoy neighbors

In the community that is the object of research in this problem, researchers often see domestic animals left unattended, for example eating a neighbor's property without the knowledge of the owner, and often even throwing their feces carelessly. The owner of the animal also feels normal, these animals such as chickens, cats, and even dogs. Of course the community feels uncomfortable with this, plus the owner of the animal feels normal, this is where the problem of relationships between neighbors arises.

The law in this trivial matter is sometimes less considered, and as a result many people do not know what the legal status is if they keep a pet that has very often disturbed the comfort of neighbors. Seeing this phenomenon that may often occur in various regions, the researcher is interested in discussing this issue.

¹ Kitab Sunan Abu Daud NO 4969

Problems like this will continue to be encountered if there is no awareness of the parties to such problems. Keeping animals such as chickens and cats is common in Bakau village, for example when keeping chickens, most owners only feed them in the morning and then release them, then in the afternoon they return to the cage. When the chicken is released, it will go everywhere looking for food, which I encountered in this village, the chicken often enters the neighbor's house and takes food in the neighbor's house and even throws feces inside the house or on the terrace of the residents' houses.

Many Bakau villagers keep chickens as a source of livelihood, for example, the chickens are often sold and the eggs are also often sold in the village market. In fact, keeping chickens in Bakau village is like a hobby for the residents. In fact, almost every house keeps chickens.

What is even sadder is that sometimes there are still people who keep chickens with the aim of connecting chickens (pitted chickens). Of course this is also very contrary to Islamic law, Islam teaches to love fellow living things and not hurt them. The activity of connecting chickens certainly hurts the animal.

While keeping cats many residents keep cats on the grounds that cats are the favorite animals of the Prophet Muhammad SAW. In addition, it is also reasoned that cats are cute and cute animals, therefore many residents like to keep them. In addition, many residents also think that keeping cats can keep the house from dangerous animals such as snakes.

The assumption mentioned above has been going on for a long time, even animals like this cat seem to be considered sacred animals. For example, when accidentally bumping into the animal, the residents assume that they must bury it using the clothes that the person was wearing when they hit it, if it is not done like that it will happen bad luck.

In neighboring, there should be peace and do not disturb each other, even the Prophet Muhammad SAW ordered his people to glorify their neighbors and not disturb their neighbors.

لِسَانِهِ وَيَدِهِ ۖ لِمُسْلِمٍ مِّنْ سَلَمِ الْمُسْلِمُونَ مِنْ

"A Muslim is one from whom the Muslims are saved by his tongue and hand." (HR. Muslim)

ۖ جَارَهُ ۖ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيُكْرِمْ

"Whoever believes in Allah and the Last Day, let him honor his neighbor". (Muttafaq 'alaih).

لَا يَدْخُلُ الْجَنَّةَ مَنْ لَا يَأْمَنُ جَارُهُ بَوَائِقِهِ

"He will not enter Paradise whose neighbor is not safe from his evil". (HR. Muslim (no.46); Ahmad (no.8638); Al Bukhari (no.7818)).

Al-Hafizh said: "Shaykh Abu Muhammad ibn Abi Jamrah (may Allah have mercy on him) said: The will to do good to one's neighbor is fulfilled by doing good deeds to him according to one's ability. Such as gifts, greetings, a pleasant face when meeting him, paying attention to his situation, helping him with what he needs and other things, and restraining him from doing anything that might harm him in any way, whether it is visible or invisible. In the words of Imam Ibn Hajar, neighbor includes the Muslim and the disbeliever, the worshipper and the wicked, the friend and the enemy, the stranger and the native, the one who benefits and the one who harms, the close relative and the non-relative, the closest and the farthest house.²

Protection for the environment is also discussed in ushul fiqh, especially in the objectives of sharia (maqasid sharia), then further explained by ushul fiqh experts, that religion wants goodness and happiness in this world and in the hereafter. The purpose of sharia is to preserve religion, self, mind, offspring and property. These five things are used as a reference in every basic need in deep life, humans cannot be separated from these five things.³

Preserving the environment is the same as preserving religion. All efforts to preserve the environment are also efforts to preserve religion. Therefore, this discussion is in a very basic category. Because indeed, sinful acts that can pollute the environment will tarnish the substance of true religion, and indirectly negate the purpose of human existence on the surface of this earth. At the same time, it also deviates from the commandments of Allah SWT in the context of relationships with humans. On the other hand, such arbitrary actions deny the attitude of justice and ihsan, both of which are Allah's commands that must be carried out.

Allah forbids abominable acts, these acts can also tarnish the function of the caliphate imposed on humans, because this earth does not belong to them, but to Allah. So they are required to carry out all of Allah's commands in accordance with the laws of His creation.⁴

² Ibn Hajar Al Atsqolani, *Fathul Baari* : 10, Page 456.

³ Yusuf Al-Qardhawi, *Islam is an Environmentally Friendly Religion*, (East Jakarta: Al-Kautsar Library, 2001), p. 59.

⁴ Ibid, p 64.

In this case we also see what Islam brings, in the form of ethics and moral values that are in accordance with human nature, which can purify the soul. With this, human beings become noble and elevated, and different from animals who only rely on their instinctual desires. This is the fruit of upholding the worship of Allah. Prayer prevents evil and disliked deeds, zakat purifies wealth, and fasting makes one pious.⁵

Islam strongly teaches to honor fellow living beings, especially in neighborly life. With regard to disturbing the comfort of others during prayer and outside of prayer, it can be seen from the words of scholars, Sayyid Abdurrahman Ba'alawi said:

"Whoever recites the Qur'an while others are praying should not recite the Qur'an so loudly that they would be confused by it. The Prophet Muhammad (SAW) went out one day to meet his companions who were (partly) praying in the mosque. The Prophet (SAW) called out, 'O people, each one of you is in communion with his Lord. Therefore, do not let some of you recite over others' (Abu Dawud, An-Nasa'i, Ahmad, Ibn Khuzaimah, Abdur Razaq, and Al-Baihaqi).⁶

When associated with the above problem, the illat of the law is because it is disturbing, therefore something that disturbs and causes mudharat must be eliminated, based on the hadith of the Prophet SAW.

عَنْ أَبِي سَعِيدٍ سَعْدِ بْنِ مَالِكِ بْنِ سِنَانَِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : لَا ضَرَرَ وَلَا ضِرَارَ

Abû Sa'îd Sa'd bin Mâlik bin Sinân al-Khudri Radhyallahu anhu reported that Rasûlullâh Sallallahu 'alaihi wa sallam said: "There should be no harm and no harm to others.⁷

endangering others.

Rules of fiqh

اضْرَرُ يُزَالُ

This hadeeth explains the rule "لَا ضَرَرَ وَلَا ضِرَارَ" that has been standardized by the scholars. The fuqaha' have compared all harmful matters to this rule, especially contemporary matters that did not exist at the time of the Prophet (peace and blessings of Allaah be

⁵ Yusuf Al-Qardhawi, *State Guidelines in Islamic Perspective*, (East Jakarta: Pustaka Al-Kautsar, 1999), p. 277.

⁶ Badruddin Az-Zarkasyi, *Al-Burhan fi Ulumul Qur'an*, [Cairo, Darul Hadis: 2018 CE/1440 AH], p. 311.

⁷ Imam an-Nawawi (may Allah have mercy on him) said, "It was narrated by Mâlik in al-Muwaththa' from 'Amr ibn Yahya, from his father, from the Prophet (peace be upon him) in a murmur. Imam Mâlik did not mention Abu Sa'îd in the chain of transmission. This hadith has many routes, some of which corroborate others. It was narrated by Ibn Mâjah, ad-Dâraquthni, and others in musnad.

upon him), such as drugs and cigarettes. Both are haraam because they fall under this principle. This is because they are harmful and cause harm to others. And there are many other examples that can be taken from this rule. Hence, Imam Abu Dâwud (may Allah have mercy on him) said that this hadeeth is one of the hadeeths that form the axis of fiqh rulings.

So we can conclude that Rasulullah (peace be upon him) rejected dharar (harm) and dhirâr (causing harm) without a just cause. As for inflicting harm on someone in the right way, that is not included in what is prohibited in the hadeeth above. For example, someone who violates the laws of Allâh Almighty and is punished according to his crime; or someone wrongs another person and the wronged person retaliates justly. This is because what is meant in the hadeeth is causing harm in a wrongful way.⁸

So anything that harms people, annoys people, damages honor, or the property or lives of Muslims is an act of injustice forbidden by Allâh Azza wa Jalla. Rasûlullâh Sallallahu 'alaihi wa sallam said in a hadith that he narrated from his Lord,

يَا عِبَادِي ! إِنِّي حَرَّمْتُ الظُّلْمَ عَلَى نَفْسِي ، وَجَعَلْتُهُ بَيْنَكُمْ مُحَرَّمًا ؛ فَلَا تَظَالَمُوا

O My servants! Verily I have forbidden wrongdoing upon Myself and I have made it forbidden among you, so do not oppress one another.⁹

Based on some of the evidence mentioned above, it is clear that the legal illat is harassment, because harassment is a very despicable act. This is because the Prophet said, "He will not enter Paradise whose neighbor is not safe from his evil". Therefore we should always do good to others and others feel safe from us. If there is something that is likely to cause damage then immediately avoid it.

By knowing how the law is, this research is very interesting because it is very rare for legal experts to examine this law, it is hoped that this research will be very useful for the community, especially for people who do not know at all about the law in this matter.

The researcher's suggestion is that although many local residents feel that there are benefits to keeping pets such as chickens, cats and other pets, if they disturb the comfort and cause a lot of harm to neighbors and other people, it is better not to keep them, and just let them loose. If you still want to keep them, you must meet their needs, and take good care of them so that they do not disturb your neighbors.

⁸ *Jâmi'ul 'Ulûm wal Hikam* (II/212).

⁹ HR. Muslim (no. 2577), Ahmad (V/154, 160, 177), at-Tirmidhi (no. 2495), Ibn Mâjah (no. 4257), 'Abdurrazzâq (no. 20272), Abu Nu'aim in *Hilyatul Auliya'* (V/125-126), al-Baihaqi in *al-Asmâ' wash Shifât* (pp. 65, 159, 213-214, 227, 285).

So the conclusion according to the researchers based on the verses of the Qur'an, Hadith, and the opinions of the scholars. Keeping a pet animal is permissible as long as the animal's needs are met. Keeping animals if it will cause harm to others, disturb the comfort of others, and those who are disturbed are not happy with it, then the law is HARAM, but if those who are disturbed are just happy then the law is MAKRUH TAHRIM, and if the pet does not cause harm to others and does not disturb the comfort of others then keeping it is MUBAH. This research is very useful for people who initially did not know the law, so with this research it will be conveyed and explained to the public about the law. In addition, it is also hoped that the community will read this article and increase literacy. After the community knows the ruling, it is hoped that it will practice what it knows, and hopefully it will raise awareness in each individual in order to create harmony and tranquility in the community.

Bibliography

Kitab Sunan Abu Daud.

Al Atsqolani, Ibn Hajar. *Fathul Baari*.

Al-Qardhawi, Yusuf. 2001. *Islam is an Environmentally Friendly Religion*. Al-Kautsar Library: Jakarta.

Al-Qardhawi, Yusuf. 1999. *State Guidelines in Islamic Perspective*. Al-Kautsar Library: East Jakarta.

Az-Zarkasyi, Badruddin. 2018. *Al-Burhan fi Ulumul Qur'an*. Darul Hadith: Cairo.

Jâmi'ul 'Ulûm wal Hikam.

HR. Muslim.

Nu'aim, Abu. *Hilyatul Auliyâ*.

Al-Baihaqi. *Al-Asmâ' wash Shifât*.