

**ASPECTS OF ECONOMIC CONSUMPTION IN  
MALAY CLASSICAL LITERATURE ACCORDING TO  
SHEIKH DAUD AL-FATANI**

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**ABSTRACT**

Sheikh Daud bin ‘Abdullah al-Fatani (1131-1265AH/1718-1847AD) is one of the prominent Malay Islamic Scholar that emerged during the transition period of the eighteenth and nineteenth century. He is well known as a productive and prolific scholar that can be observed in many aspects. Therefore, this article attempts to analyze his opinions towards the aspects of consumption as discussed in his book *Furu’ al-Masa’il* and specifically referring to the chapter of muamalat. This article employs the content analysis methodology through the thematic approach in identifying the aspects of consumption. This article has identified at least nine aspects of economic consumption that is employed in the literature that comprise of price tags, freedom to buy and sell goods, the rightful way of consumption, arbitration, safeguarding the rights of the consumers, guarantee of selling and purchasing rights of consumers, choice, discounts and the prohibition of hiding. The research findings indirectly show an evergreen opinion of Sheikh Daud al-Fatani in his kitab *Furu’ al-Masa’il* that is a very deep and ever relevant at any time either in the past, present or in the future.

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**Keywords:** *Islamic Consumption, Sheikh Daud al-Fatani, Fiqh Muamalat, Kitab Jawi*

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## **Introduction**

Maturity in knowledge and diligence to spread Islam to everyone especially to the Malays are essential traits possessed by Sheikh Daud al-Fatani. His masterpiece, book *Furu' al-Masa'il* is seen as a comprehensive reference that covers the aspect of worship, interactions, marriage, crime and many others. With that, this kitab is perceived as the model fiqh literature from the Malay Archipelago in the 19th century. Therefore, this article utilizes a content analysis methodology of his opinions about the aspects of consumption as discussed in his kitab *Furu' al-Masa'il*. Moreover, this article begins by briefly introducing the author's biography and the background of the kitab.

### **Sheikh Daud al-Fatani and Kitab *Furu' al-Masa'il***

His full name is Sheikh Wan Daud bin Sheikh Wan Abdullah bin Sheikh Wan Idris @ Tok Wan Derasid @ Sheikh Wan Senik bin Tok Wan Abu Bakr bin Tok Kaya Pandak bin Andi (Faqih) Ali Datuk Maharajalela. He is well known as "Tok Sheikh Daud Fatani". He is also known as "*al-'Alim al-'Allamah al-'Arif al-Rabbani*", "Sheikh Daud Waliullah", "Sheikh Daud Keramat" and "Sheikh Daud Pengarang Kitab". (W.M. Shaghir, 1990:21-22; 1991a:18; Hooker, M.B., 1991:73)

He was born in Kampung Kerisik (W.M. Shaghir, 1990:20; 1991a:8) in the Patani district of Thailand around year 1131H/1718M. (W.M. Shaghir, 1990:4-7; 2003:7) He received his early education from his own family mainly from his father and grandfather and he also had the chance to learn from the local ulamas that came from the Middle East or Yemen. Then, he was said to further his studies in Aceh for two years before he went to Hijaz. He studied in Makkah for 30 years and in Madinah for 5 years. (W.M. Shaghir, 1990:24-25) He passed away in Ta'if year 1265H/1847M. (W.M. Shaghir, 1991a:5)

The full title of the kitab is *Furu' al-Masa'il wa Usul al-Wasa'il*, initiated in 1254H/1838M and completed in 1257H/1841M. (W.M. Shaghir, 2003:20) This kitab is his biggest work in the Islamic jurisdiction field and thought that was made available in Makkah since the 1880s. (Matheson, V. & Hooker, M.B., 1988:22) In English language, *Furu' al-Masa'il* is translated as '*branches of religious issues*' (Mohamad @ Md. Som, S., & Wan Sabri, W.Y., 2003:33), or '*the branches and trunks of questions*' (Braginsky, V., 2004:656) Presently, this kitab has undergone a lot of reprinting. It is broadly sold and used by traditional learning centres in Peninsula Malaysia and the Patani district of Thailand. (Hadenan, T., 2010:3 & 8) It is the Matba'ah Bin Halabi printed version, Patani Thailand that uses the Matba'ah Dar Ihya' al-Kutub al-'Arabiyyah, Egypt printed version. (Daud al-Fatani, p.389)

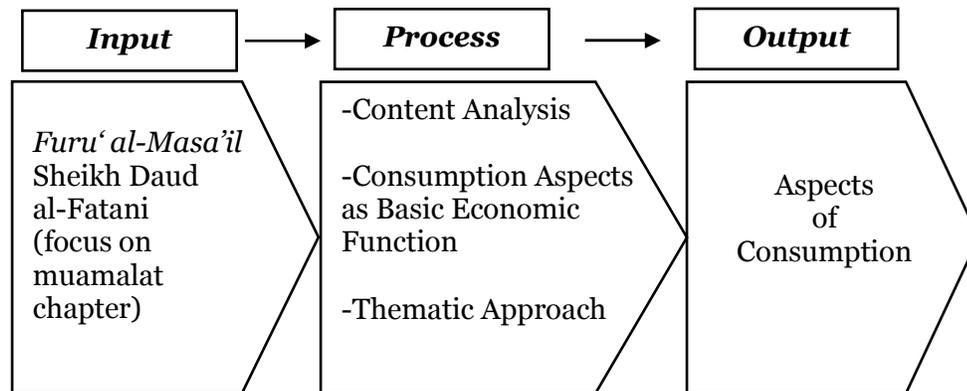
From the scholarly aspect, Sheikh Daud al-Fatani is deemed by Azyumardi Azra (1995:266) as the prominent Indonesian Malay Islamic scholar that possessed extensive and vast knowledge that made him stand out amongst others in the transition period of the 18th and 19th century. For western scholars such as M.B. Hooker (1986:363), Sheikh Daud al-Fatani is revered as the Islamic scholar of his time that is unchallenged from his time to date. Moreover, research that was made by W.M. Shaghir (1991a:21; 1995:9; 2003:15-16) found out that Sheikh Daud al-Fatani is a prolific writer that produced 69 titles in different fields namely tauhid (13 titles), fiqh (22 titles), tasawuf (13 titles), history (8 titles) and other fields (13 titles).

In this paper, the corpus of the research *Furu' al-Masa'il* is based from the Matba'ah Bin Halabi, Patani Thailand, published version. It has two volumes that are 275 pages (volume 1) and 393 pages (volume 2). In each page there are 35 lines and together with it on the side is printed Kitab *Kasyf al-Ghummah* also authored by Sheikh Daud.

### Scope of Discussion

In the heirarchy of products and services, consumption is the final stage after production and distribution. The production of goods is mainly to be consumed. Without consumption, there will be no production. Therefore, this article focuses on the aspects of consumption that will be identified in the discussion of Islamic fiqh in the field of muamalat that refers to the classical jawi text of Sheikh Daud that is *Furu' al-Masa'il*.

In order to achieve this target, this article basically employs three stages of study that are of input, process and output. The kitab *Furu' al-Masa'il* by Sheikh Daud al-Fatani is the main input especially concerning muamalat; then the process stage is based on content analysis approach that focuses on consumption aspects as basic economic function, and based on thematic approach; and finally the produced output interms of aspects of production according to Sheikh Daud al-Fatani. These three stages of study can easily be illustrated using the diagram below:



In this thorough corpus, Sheikh Daud wrote a chapter concerning muamalat comprising of many categories that are 40 topics, of 17 *kitab*, 14 chapters and 9 *fasl*. (Hadenan, T., & Joni Tamkin, B., 2010:7) From the structural aspect, this kitab discusses the *furu'* aspects or the branches of *fiqhiyyah*. It was designed using the model of fatwa books that is chracterized by question and answer with detailed elaboration that comprises all the chapters without revealing the identity of those who made the query. (Hadenan, T., & Joni Tamkin, B., 2010:4) In the muamalat chapter, it has 724 sets of questions and answers.

### Analysis of the Aspects of Consumption

The aspects of consumption that can be identified from the corpus of the research are as follows:

### ***The Aspect of Price Tags***

Putting the price tags is one of the ways to safeguard the rights of the consumers. This is said clearly by Sheikh Daud in *kitab al-bay'* in the chapter concerning prohibitions in sell-purchase. This can be understood by looking at the following excerpt:

“(Su’ila RadiyaLlah ‘Anh) Is it encouraged or not for a person to put a price tag for something that is commonly known? (and he answered) it is encouraged but it is sunat to be put less than the real price so that the price can be risen a bit for those who are intereted until the price is suitable for himself and the other person.” (Daud al-Fatani, p. 18)

Based on the excerpt above, Sheikh Daud holds the opinion that the act of putting the price tag for something to be sold is encouraged in the sense of a hukum. Moreover, it is sunat for the price to be lowered. It is understood here that putting the price tag is aimed to ease the customer to make choices and putting a lower price can attract them to purchase it. This gives a picture of the price theory in the market that is determined by the interaction of demand and supply. In this situation, economists summarizes that when the price of the product drops, the quantity of the products purchased by the customer will increase. However, when the price increases, the demand for it will decrease. (See: Jomo, K.S., & Ishak, S., 2003:109-110)

### ***The Aspect of Freedom to Sell and Purchase***

Consumers have the rights to choose who they and where they want to purchase a product as long they are in the permissible domains of syarak. This can be understood from the following excerpt said by Sheikh Daud in *Kitab Ihya' al-Mawat* (the book of developing barren lands) as follows:

“... and it is encouraged to stop those who are in front or at the side of them if it is seen that a seller prohibits people to see his sales or prohibits purchase of his sales nor prohibits people to enter his shop...”  
(Daud al-Fatani, p. 120)

From the above excerpt, the freedom to sell and purchase can be related to one concept of healthy competition as what we understood nowadays in the sense that there is no prohibition to enter any market. (See: Jomo, K.S., & Ishak, S., 2003:262-263)

### ***The aspect of the permissable consumption***

The characteristics of consumption in Islam have to cover the ways of consumption of a product. An owner of a product cannot simply use it in any manner because the most rightful owner of products is Allah SWT. Therefore, the methods of consumption must be bound by rules and regulations of syarak of Allah SWT. (Surtahman, K.H., & Sanep, A., 2005:85)

In this context, the permissible consumption based on syarak can be related with Sheikh Daud’s discussion concerning the contract of *qard hasan* or loan (Daud al-Fatani, p. 43-47) to something must only involve the permissible consumption. If it used in the prohibited way for example used for *maksiat* (sin) thus, the rule will be *haram*

(prohibited); or if it is to be devoted to something *makruh* (reprehensible or disapproved) thus, the rule will be *makruh*. (Daud al-Fatani, p. 43)

### ***The Aspect of Arbitration***

The aspect of arbitration is concerned with the discussion of the *bab al-sulh* (chapter of reconciliation) in *Furu' al-Masa'il*. The purpose of this contract to be jurisdicted is to find mutual understanding between sides that are not in the same boat in their opinions concerning who has the upper rights for a service or product. When one side claims that he is rightful and true; therefore the side that allegedly claim and clarify the charge, thus asking for discussion and mutual understanding.

In this muamalat context, contract of *sulh* is divided into six categories:

- (i) contract of *bay'* is when contract of *sulh* of a product is replaced with another product that is called as *sulh mu'awadah*;
- (ii) contract of *salam* (payment in advance) is when *sulh* to obtain a kind of service to produce something such as an order to tailor clothes;
- (iii) contract of *ijarah* (the contract of hiring) is when contract of *sulh* of product with a benefit such as providing manpower for a month;
- (iv) contract of '*ariyah* (loan) is when contract of *sulh* of a benefit with a product, that is either '*ariyah mu'qqatah* for a specific period of time, or '*ariyah mutlaqah* for an unspecified period of time;
- (v) contract of *hibah* (gifts) is when contract of *sulh* towards a part of some products, and the part that he did not allegedly claim will fall to the rule of *hibah*; and
- (vi) contract of *ibra'* is when contract of *sulh* towards some parts of a debt, and the part that he did not allegedly claim will fall under the hukum *ibra'*. (Daud al-Fatani, p. 67-68)

The jurisdiction of contract of *sulh* that is understood as an aspect of arbitration clearly has the relevance and significance in the aspect of consumerism. Contract of *sulh* not only has the potential to become a code of conduct in daily transaction but, what is more important is to ensure the economic activity and source is *halal* and *barakah*.

### ***The Aspects of Safeguarding the Rights of Consumers***

The rights of consumers must be safeguarded by the authorities concerned. This matter is discussed in the topic *sulh* in the subtopic *fasl fi isyra' al-rawsyan* that is the rule in building porch and arcade. (Daud al-Fatani, p. 68-71)

Sheikh Daud explained that the construction of arcade and porch is allowed as long as it does not obstruct the public's way. Therefore, in order to safeguard the rights of consumers the authorities concerned has the right to demolish the arcade porch and shower that bring disadvantages to the public. (Daud al-Fatani, p. 68)

Similarly, Sheikh Daud also explained that the public areas such as the mosques airspace, schools, public arcades, cemetaries and plantation areas are places where special arcades and porches are prohibited to be constructed. (Daud al-Fatani, p. 68-69) The positioning of showers that will cause water to carry, soils, rocks and excrement to the the roads are also not allowed. Therefore, the owner is responsible to the damage caused to the users of the road because of the shower. (Daud al-Fatani, p. 69)

### ***The Aspect of Consumers' Guarantees in Sales and Purchase***

The aspect of guarantee in consumers' rights especially in the contract of sales and purchase is synonym to the aspect of consumerism following the tendency of sellers and suppliers that gain advantages over their customers. In this case, Sheikh Daud al-Fatani has also explained that consumers have their own rights that they need to realize.

In *Furu' al-Masa'il* in the chapter of *hukm al-mabi' qabl al-qabd* (the rule of merchandise before delivered), among the questions that arise concerning consumerism is the sales of damaged products before given or received by consumers when it is still in the warranty period. The damage is either caused by the seller himself for example like the pearl that is lost in the seas, the bird that flies free and the wild animal that runs free. In this case, the contract of sale and purchase becomes *fasakh* (invalid) and the consumer does not have to pay for the price of the product. (Daud al-Fatani, p. 27)

### ***The Aspect of the Power of Choice***

The aspect of the power of choice refers to the concerned that has the power or freedom to choose or determine whether to proceed or to cancel any contract of that has been agreed upon. This aspect is also one of the characteristics in the aspect of consumerism.

In this context, the aspect of power of choice can be identified in the explanation given by Sheikh Daud in the chapter of *khiyar* (option of transaction) to allow the concerned to proceed or end with agreed upon contract. (Daud al-Fatani, p. 19) He elaborated three types of *khiyar* that are *khiyar majlis* (session option), *khiyar syart* (condition option) and *khiyar 'ayb* (defect option). (Daud al-Fatani, p. 19-27) This resolution shows that the Islamic teachings safeguards the *maslahah* (general public interest) of the people by taking into account the human attitude that sometimes are clumsy in making decisions.

### ***The Aspects of Discounts***

Another aspect that is discussed by Sheikh Daud is the aspects of discounts. This aspect is discussed in the chapter of *khiyar 'ayb* (defect option) through the method of *arsy*. *Arsy* refers to the reduction of price from the specific original price of the product when there exist *'ayb*, (*al-Mu'jam al-Wasit*, 1425/2004:13) or referring to what is paid by way of adjustment of the difference between freedom from defect and defect in an article of merchandise. (Lane, E.W., 1968:47)

For Sheikh Daud al-Fatani, the term *arsy* refers to the consumer bargaining for a lower price from the original price. For example, if the original price without *'ayb* is a hundred riyal, therefore when there is *'ayb* the price becomes nine out of ten. This means the discount of ten percent is equal to ten riyal. (Daud al-Fatani, p. 23. See also: al-Nawawi, 2003:221) This *arsy* method clearly suits the concept of consumerism that provides justice to the oppressed.

### ***The Aspect of the Prohibitions of Hoarding***

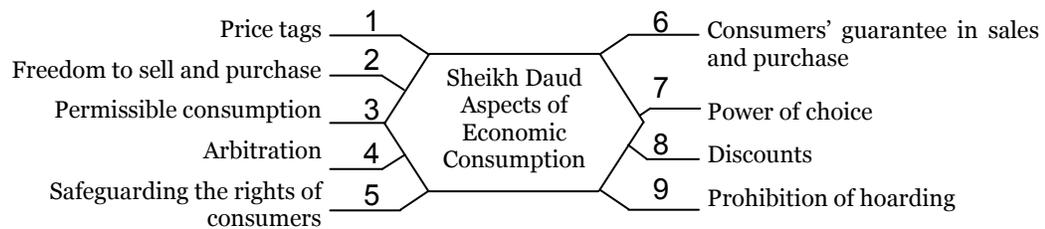
Sheikh Daud also wrote about the something that is against the consumerism aspect that is hoarding stocks especially concerning to food. According to him, that the act of hoarding food stocks is the act of waiting for the price to increase and then selling it at a

higher price to gain more profit. In this case, Sheikh Daud al-Fatani affirmed his stand that it is not allowed to do so and he agreed that the authorities concerned should do what is necessary including issuing letters to the seller to sell the hoarding food stocks to fulfill the public interest. (Daud al-Fatani, p. 18)

Besides that, Sheikh Daud al-Fatani also explained that if there is contract of *mudarabah* (dormant partnership) that occur during business activities such as buying wheat while the price is cheap in order to stock or keep it, and then sold at a higher price, therefore this contract of is invalid. (Daud al-Fatani, p. 18) This is because building hidden stocks is characterized under the hiding category that causes the price to increase.

## Conclusion

This article is an effort to understand the thoughts for the traditional Malay Islamic scholar that is Sheikh Daud al-Fatani by exploring of his book in jawi that is *Furu' al-Masa'il*. This article has identified nine aspects of economic consumption that is discussed in the book and can be summarized by the following diagram:



These aspects show that the thought of the traditional Islamic Malay scholars has progressive and dynamic values in line with the passing of time. Indeed his ideas and thoughts that has been existing since the 19 century should not be ignored. Moreover, his writing in the aspect of economic consumption specifically in this book of *Furu' al-Masa'il* is still relevant and practical at any time, any place and to anyone.

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