

FATWA  
MAJELIS ULAMA INDONESIA  
Number: 33 Year 2011

About  
REGARDING FOOD AND DRINK COLORING  
FROM THE COCHINEAL INSECT



Fatwa Committee of the Indonesian Ulema Council (MUI) after:

- Considering : 1. that food and drink colorings widely used during this does not only originate from chemical substances but also from plant and animal materials, among them from the Cochineal insect;
2. that the public requires explanation about the legality of using food and drink colorings derived from the Cochineal insect;
- ;
3. therefore, the Fatwa Committee of the Indonesian Ulema Council deems it necessary to issue a fatwa on the Law of Food and Drink Coloring from Cochineal Insects to be used as guidance for the community.

Considering : 1. The Word of Allah SWT, among others:

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا

“He is Allah, who created all that is on earth for you” QS. Al-Baqarah[2]: 29.

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً  
أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنْزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ

“Say: I do not find in what has been revealed to me anything forbidden to the one who intends to eat it, except if the food is carrion, blood that flows, or the flesh of swine—for surely, all that is filth—or animals sacrificed in the name other than Allah” QS. Al-An’am [6]: 145.

وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ

“...and He has permitted them what is good and prohibited for them what is bad...” QS. Al-A’raf [7]: 157

2. Hadiths of the Prophet SAW, among others:

عَنْ سَلْمَانَ الْفَارِسِيِّ قَالَ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ  
السَّمْنِ وَالْجُبْنِ وَالْفِرَاءِ، قَالَ: "الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ وَالْحَرَامُ مَا  
حَرَّمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ" (رواه ابن ماجه  
والبيهقي والحاكم والطبراني والترمذي)

"Salman al-Farisi said: Rasulullah SAW was asked about margarine and cheese and fur, he said: halal is what Allah has allowed in His Book, haram is what He has forbidden in His Book, and that which is not mentioned in either is permissible" HR. Ibn Majah, al-Baihaqi, al-Hakim, at-Thabrani, and at-Tirmidzi

عَنْ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا ضَرَرَ وَلَا  
ضِرَارَ (رواه أحمد ومالك وابن ماجه)

"From Ibn Abbas RA, he said: Rasulullah SAW said: It is not allowed to harm or injure others and it is also not allowed to retaliate harm (damage caused by others) with harm (an act that harms him)." HR. Ahmad

عَنْ ابْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُحِلَّتْ لَنَا  
مَيْتَانِ وَدَمَانِ، فَأَمَّا الْمَيْتَانِ فَالْحُوتُ وَالْجَرَادُ، وَأَمَّا الدَّمَانِ فَالْكَبِدُ  
وَالطَّحَالُ" (رواه أحمد)

"From Abdullah ibn Umar RA, he said: Rasulullah SAW said: it is permissible for a Muslim to have two carrions and two bloods; the two carrions are fish and grasshoppers, and the two bloods are liver and spleen" HR. Ahmad

عَنْ مِلْقَامِ بْنِ التَّلْبِ عَنْ أَبِيهِ قَالَ: صَحِبْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
فَلَمْ أَسْمَعْ لِحَشْرَةِ الْأَرْضِ تَحْرِيماً (رواه أبو داود والبيهقي)

"Telling by Malqam bin at-Talami, from his father, he said: I accompanied the Prophet SAW and did not hear from him about the haram of small earth animals" HR. Abu Daud and al-Baihaqi

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا وَقَعَ  
الدُّبَابُ فِي شَرَابٍ أَحَدِكُمْ فَلْيَغْمِسْهُ، ثُمَّ لِيَنْزِعْهُ فَإِنَّ فِي أَحَدِ جَنَاحَيْهِ  
دَاءٌ وَفِي الْآخَرِ شِفَاءٌ. (أَخْرَجَهُ الْبُخَارِيُّ، وَأَبُو دَاوُدَ).

"From Abu Hurairah RA, Rasulullah SAW said: if a fly falls into your drink, immerse it completely, then lift it out (and discard it), because on one wing there is illness and on the other there is a remedy" HR. al-Bukhari and Abu Dawood.

### 3. Fiqh Principle:

الأصل في المنافع الإباحة

"The original ruling of something beneficial is permissible/allowed"

الأَصْلُ فِي الْأَشْيَاءِ النَّافِعَةِ الْإِبَاحَةُ، وَفِي الْأَشْيَاءِ الضَّارَّةِ الْحُرْمَةُ.

"The original ruling of something beneficial is permissible and the original ruling of something dangerous is forbidden".

الأَصْلُ فِي الْأَشْيَاءِ الْإِبَاحَةُ، مَا لَمْ يَقُمْ دَلِيلٌ مُعْتَبَرٌ عَلَى الْحُرْمَةِ.

"The original ruling about something is permissible as long as there is no authoritative dalil prohibiting it."

Note:

1. The opinions of theologians regarding the definition of al-hasyarat; among them: a. The opinion of An-Nawawi in the book "Al-Majmu" Syarh Al-Muhadzab", Maktabah Syamilah, Volume 9, page 13, note:

(وَأَمَّا) الْحَشْرَاتُ فَبِفَتْحِ الْحَاءِ وَالشَّيْنِ وَهِيَ هَوَامُ الْأَرْضِ وَصِغَارُ دَوَابِّهَا..

"Hasyarat are lice/insects and small animals on Earth"

b. The opinion of Zakaria al-Anshari in the book "Tuhfatu at-Thullab", Publisher: Maktabah Usaha Keluarga Semarang, page 128, note:

.. كَحَشْرَاتٍ وَهِيَ صِغَارُ دَوَابِّ الْأَرْضِ كَخُنْفَسَاءٍ وَدُودٍ وَكُدْرَةٍ وَطَاوُسٍ وَذَبَابٍ وَمَا تَوَلَّدَ مِنْ مَأْكُولٍ وَغَيْرِهِ

".... Such as hasyarat, i.e., small ground creatures like beetles, caterpillars, ,, peafowl, flies, and uget-uget (sindat) found on fruit and elsewhere"

2. The opinions of scholars about the ruling on consuming al-hasyarat, among others:

a. The opinion of An-Nawawi in the book "Al-Majmu" Syarh Al-Muhadzab" Maktabah Syamilah, Volume 9, pages 13 and 16, note:

وَلَا يَحِلُّ أَكْلُ حَشْرَاتِ الْأَرْضِ كَالْحَيَاتِ وَالْعَقَارِبِ وَالْفَأْرِ وَالْخَنَافِسِ وَالْعِظَاءِ وَالصَّرَاصِرِ وَالْعِنَاكِبِ وَالْوَزَغِ وَسَامِ الْأَبْرَصِ وَالْجُعْلَانِ وَالذِّيدَانِ، وَبَنَاتِ وَرْدَانَ وَحِمَارِ قُبَانٍ لِقَوْلِهِ عَزَّ وَجَلَّ: وَيُحْرَمُ عَلَيْهِمُ الْخَبَائِثُ...

"it is not halal to eat small animals on Earth such as snakes, scorpions, rats, beetles, soft-bodied creatures, cockroaches, spiders, geckos, worms, earthworms, because of His Almighty's command: and it is forbidden for you al-khobaits"

(فرع) فِي مَذَاهِبِ الْعُلَمَاءِ فِي حَشْرَاتِ الْأَرْضِ كَالْحَيَاتِ وَالْعَقَارِبِ وَالْجُعْلَانِ وَبَنَاتِ وَرْدَانَ وَالْفَأْرِ وَنَحْوَهَا \* مَذْهَبُنَا أَنَّهَا حَرَامٌ وَبِهِ قَالَ أَبُو حَنِيفَةَ وَأَحْمَدُ وَدَاوُدُ وَقَالَ مَالِكٌ حَلَالٌ

“The opinion of the scholars of the school about small land animals such as snakes, scorpions, cockroaches, rats and the like, the Shafi’i school forbids them, as do Imam Abu Hanifa and Imam Ahmad, while Imam Malik considers them halal.”

b. Opinion in the book “Al-Iqna’”, Al-Samilah Library, Volume 2, Page 236, etc.

وَلَا تَحِلُّ الْحَشْرَاتُ وَهِيَ صِعَارُ دَوَابِّ الْأَرْضِ كَخُنْفَسَاءٍ وَدُودٍ،  
وَلَا مَا تَوَلَّدَ مِنْ مَأْكُولٍ وَغَيْرِهِ.

“Not halal are small earth-dwelling animals (al-hasyarat) such as beetles, larvae, and other creatures that live in food, and others”

c. Opinion of Ibn Qudamah in the book “As-Syarh Al-Kabir”, Al-Samilah, Library, Volume 11, page 73, etc.

...فَعَلَى هَذَا مِنَ الْمُسْتَحَبَّاتِ الْحَشْرَاتُ كَالدَّيْدَانِ وَالْجَعْلَانِ  
وَبَنَاتِ وَرْدَانَ وَالْخَنَافِسِ وَالْفَأْرِ وَالْأَوْزَاعِ وَالْحَرَبَاءِ وَالْعَضَا  
وَالْحَرَاذِينَ وَالْعَقَارِبِ وَالْحَيَاتِ، وَبِهَذَا قَالَ أَبُو حَنِيفَةَ وَالشَّافِعِيُّ  
وَرَخَّصَ مَالِكٌ وَابْنُ أَبِي لَيْلَى، وَالْأَوْزَاعِيُّ فِي ذَلِكَ كُلِّهِ إِلَّا  
الْأَوْزَاعَ، فَإِنَّ ابْنَ عَبْدِ الْبَرِّ قَالَ هُوَ مُجْمَعٌ عَلَى تَحْرِيمِهِ،

“Similar to this issue regarding the law of animals that are disgusting is al-hasyarat such as worms, beetles (scarab beetles), cockroaches, beetles, mice, geckos, chameleons, ad-dha, mice (Rattus type), scorpions, and snakes; all according to Imam Abu Hanifa and Imam ash-Shafi’i are forbidden. While according to Imam Malik, Ibn Abi Layla and al-Auza’i, they are allowed, except for the gecko, because Imam Ibn Abi al-Bar states consensus among scholars on its prohibition.”

3. Opinions of scholars on the law of animals whose blood does not flow, among others:

a. Opinion of Al-Bakri in the book “I’Anah at-Thalibin”, Al-Samilah Library, Volume 1, p. 108, etc.

(قَوْلُهُ: كَمَا لِكِ وَأَبِي حَنِيفَةَ) أَيِ فَإِنَّهُمَا قَائِلَانِ بِطَهَارَةِ مَا لَا نَفْسَ  
لَهُ سَائِلَةٌ، فَالْفَعَالُ مُوَافِقٌ لَهُمَا.

“Imam Malik and Imam Abu Hanifa hold that the purity of animals whose blood does not flow. Imam al-Qufal agrees with both.”

b. Opinion of Ibn Qudamah in the book “Al-Mughni”, Al-Samilah Library, Volume 3, page 238, etc.

فَصَلُّ : وَدَمٌ مَا لَا نَفْسَ لَهُ سَائِلَةٌ، كَالْبَقِّ، وَالْبَرَاغِيثِ، وَالذُّبَابِ،  
وَنَحْوِهِ، فِيهِ رَوَايَتَانِ؛ إِحْدَاهُمَا، أَنَّهُ طَاهِرٌ. وَمِمَّنْ رَخَّصَ فِي دَمِ

الْبَرَاعِيثِ عَطَاءٌ وَطَاوُسٌ وَالْحَسَنُ، وَالشَّعْبِيُّ وَالْحَاكِمُ وَحَبِيبُ بْنُ أَبِي ثَابِتٍ وَحَمَّادُ وَالشَّافِعِيُّ وَإِسْحَاقُ؛ وَلِأَنَّهُ لَوْ كَانَ نَجَسًا لَنَجَسَ الْمَاءُ الْيَسِيرُ إِذَا مَاتَ فِيهِ،

"The blood of animals whose blood does not flow, such as lice, flies, and the like, has two opinions, one of which says it is pure. Among those who permit the blood of lice are a-'Atha', Thawus, al-Hasan, as-Sya'bi, al-Hakim and Habib bin Abi Tsabit, Hamad, as-Syafi'i and Ishaq, on the grounds that if the blood were impure, then a small amount of water contaminated by their carcass would also become impure."

4. Statement from LP POM MUI in the fatwa commission meeting on May 4, 2011, which stated that cochineal insects used as ingredients for food and beverage coloring do not pose any danger. In certain aspects, cochineal insects are similar to grasshoppers. Cochineal insects also fall into the category of insects whose blood does not flow.

5. The paper by Dr. KH. Munif Suratmaputra titled Coloring from Cochineal for Medicines, Cosmetics, and Food in Fiqh Studies, presented at the fatwa commission meeting on May 4, 2011, which concluded the permissibility (halal) of food coloring from cochineal insects.

6. Opinions of the participants of the Fatwa Commission meetings on March 3, 2011, April 7, 2011, April 14, 2011, May 4, 2011, and May 12, 2011, July 6, 2011, as well as the Plenary Fatwa Commission meeting on August 10, 2011.

By putting trust in Allah SWT

DECIDES

To stipulate: THE LAW OF FOOD AND BEVERAGE COLORING FROM COCHINEAL INSECTS

First : General Provisions:

In this fatwa, what is meant by:

Cochineal insects are insects that live on cacti and feed on the moisture and nutrients of the plant.

Cochineal insects are animals that have many similarities with grasshoppers and their blood does not flow.

Second : Legal Provisions

Food and beverage coloring derived from cochineal insects is halal, as long as it is beneficial and not harmful.

Third : Closing Provisions

1. This fatwa is effective from the date it is stipulated, with the provision that if in the future it requires improvement, it will be revised and perfected as necessary.

2. So that every Muslim and parties in need can know it, urge all parties to disseminate this fatwa.

Established in: Jakarta

On the date: 10 Ramadhan 1432 AH  
10 August 2011 CE

FATWA COMMISSION  
INDONESIAN ULAMA MAJLIS

Chairman,

Secretary,

PROF.DR.H. HASANUDDIN AF., MA DR.H. ASRORUN NI'AM SHOLEH, MA