Walisongo: Jurnal Penelitian Sosial Keagamaan
Vol. 34 No. 1 (2026) pp. 109-128
DOI: 10.21580/ws.34.1.31015

Intellectual Networks Between Mecca and Indonesia in The Twentieth Century: Contextual Ijtihad of Sheik Mukhtar Al-Bogori Regarding The Permissibility of Eel "Belut"

Fakih Abdul Azis*
Université Ibn Tofail, Kénitra, Morocco

Abstract

This research analyzes the book As-Shawā'iq al-Muḥriqah by Sheikh Mukhtar al-Bughuri (1862-1930) as a representation of an integrative Islamic legal epistemology in determining the halal status of eels. Using a historical-analytical approach with the theoretical framework of Ibn 'Ashur's maqāṣid al-sharī'ah and amtsāl theory, this study examines a method of istinbāṭ (legal inference) that combines textual evidence (dalil naqlī), empirical observation, and local socio-cultural context. The research results indicate that al-Bughuri developed an innovative methodology through three stages: understanding the maqām khiṭāb al-shar'ī (the communicative context of divine discourse), distinguishing between means and objectives, and an istiqrā' (inductive reasoning) process based on field research. The constructed arguments integrate Sharia, biological, and cultural dimensions and involve consultation with scholars in Mecca for validation. These findings demonstrate that the 19th-century Makkah-Nusantara intellectual network produced contextual ijtihad (independent reasoning) relevant for the development of contemporary halal fiqh, particularly in harmonizing regional halal standards and sustainable halal food development.

—

Penelitian ini menganalisis kitab As-Shawā'iq al-Muḥriqah karya Syekh Mukhtar al-Bughuri (1862–1930) sebagai representasi epistemologi hukum Islam yang integratif dalam penetapan status halal belut. Dengan menggunakan pendekatan historis-analitis serta kerangka teori maqāṣid al-sharī'ah Ibn 'Āshūr dan teori amtsāl, kajian ini menelaah metode istinbāṭ (inferensi hukum) yang mengombinasikan dalil naqlī (tekstual), observasi empiris, dan konteks sosial-budaya lokal. Hasil penelitian menunjukkan bahwa al-Bughuri mengembangkan metodologi inovatif melalui tiga tahapan: pemahaman terhadap maqām khiṭāb al-shar'ī (konteks

*Corresponding Author: Fakih Abdul Azis (fakih.abdulazis@uit.ac.ma), Université Ibn Tofail, Kénitra, Morocco.

© 2026 by the Authors, published by Walisongo: Jurnal Penelitian Sosial Keagamaan
ISSN 0852-7172 (p) 2461-064X (e) - https://journal.walisongo.ac.id/index.php/walisongo
Submitted: 2026-01-22; Revised Version: 2026-05-21; Accepted: 2026-06-14

komunikatif wacana ilahi), pembedaan antara sarana dan tujuan, serta proses istiqrā' (penalaran induktif) yang berlandaskan riset lapangan. Argumen yang dibangun mengintegrasikan dimensi syariah, biologis, dan kultural, dengan melibatkan konsultasi bersama para ulama Makkah sebagai bentuk validasi. Temuan ini membuktikan bahwa jaringan intelektual Makkah–Nusantara pada abad ke-19 telah menghasilkan ijtihad kontekstual yang relevan bagi pengembangan fikih halal kontemporer, khususnya dalam upaya harmonisasi standar halal secara regional serta pembangunan pangan halal yang berkelanjutan.

Keywords: Islamic legal epistemology; maqāṣid al-sharī'ah; ulama network; food fiqh; Indonesia.

Introduction

This article addresses a single problem: how a locally authored treatise resolved a disputed question of Islamic dietary law by first settling the biological identity of its legal object, and what that resolution suggests about the evidentiary basis of local *ijtihād* within Southeast Asian fiqh. The argument is organized around one animal, one primary text, and one interpretive procedure - *taḥqīq al-manāṭ*, the verification of the legal object prior to its classification - rather than around the wider constellation of themes (culinary history, halal certification, food sustainability, or archipelagic fiqh as a general category) that a case like this can invite(سليمة and 2022 مصطفى). Those themes appear below only insofar as they bear directly on this procedure.

The legal object in question is the eel, a fish long integrated into the everyday diet of rice-growing and wetland communities across Indonesia, Malaysia, and the Malay populations of southern Thailand and Brunei(Junariyata, 2012). Before any fiqh classification can proceed, however, the animal itself has to be identified with precision, since rulings on animal consumption in the Shāfiʿī tradition depend on correctly establishing *what* is being classified before asking *how* it should be classified. Taxonomically, the animal - known locally as *balūt* and identified in the Arabic sources consulted by Southeast Asian jurists as *al-jarīth* (*inkilīs*; *marmāhī* in Persian) - belongs to the order Anguilliformes: a scaleless, elongate bony fish that respires through gills rather than lungs, with the gill opening set low and posterior on the body, and that lacks pelvic fins entirely, a standard diagnostic marker separating it from air-breathing reptiles (Heemstra, 1993; Böhlke, 1989;

HumpHries et al., 2023). Freshwater eels of the family Anguillidae are catadromous, spending nearly the whole of their life cycle in fresh or brackish water and entering the sea only to spawn (Tsukamoto, Kuroki, and Watanabe 2020), with brief excursions onto wet mud sustained by cutaneous gas exchange under humid conditions rather than by any capacity for terrestrial life (Tesch & Rohlf, 2003). This identification matters because the case for prohibition rests almost entirely on a morphological resemblance to snakes, an animal that much of the classical fiqh literature treats as venomous and repulsive, and therefore forbidden (Guarniero et al., 2020). If the legal object is misidentified as a snake, the resulting ruling addresses the wrong referent; the dispute over eel's status is, at its root, a dispute over correct identification before it becomes a dispute over doctrine.

Figure 1. Belut



This is precisely the diagnostic move made, in considerably greater empirical detail, by Shaykh Muḥammad Mukhtār ibn ʿAṭārid al-Bughūrī, a Sundanese scholar teaching at the Sacred Mosque in Mecca, in his treatise *al-Ṣawāʿiq al-Muḥriqah li al-Awhām al-Kādhibah fī Bayān Ḥall al-Balūt wa al-Radd ʿalá man Ḥarramah* ("Burning Thunderbolts against False Delusions, on the Permissibility of the Eel and the Refutation of Those Who Forbid It"), completed in 1329 AH (1910–11 CE) and printed by the Mahad Islamy Lirboyo, Kediri. Al-Bughūrī states in his own introduction that the treatise was occasioned by a written dispute between Jawi-Arab scholars: one had ruled eel forbidden on the strength of

unsubstantiated impression (*awhām*) alone, without citing a single fiqh text, while the other maintained its permissibility on the grounds that it fell under the general Qur'anic license for "the catch of the sea" and that its terrestrial habitation had never been conclusively shown(عطارد الجاوي tth, 1–2). Read directly against this primary text, rather than through secondary paraphrase, the treatise does not move straight to doctrine; most of its length is devoted to settling what the animal is. Al-Bughūrī reports tasting the eel repeatedly himself and gathering testimony from others to test the claim that its flesh is *khabīth* (repugnant), noting that this category is properly measured against Arab custom, not the taste preference of any single community. He reports direct observation that the eel's burrow is invariably filled with water, refuting the claim that it inhabits dry mud.

He reports placing eels on genuinely dry ground and recording that they die within a short time, unlike true amphibians such as frogs, crabs, or turtles, refuting the claim that they can sustain life on land. And he documents a specific, traceable chain of consultation: first with a Yemeni associate and separately with scholars resident at the Sacred Mosque from Ḥomṣ and Sulaymāniyyah, who independently confirmed that *al-jarīth* matches the description of *balūt*; and then with a group of Meccan scholars who, once presented with that description, ruled the animal lawful as a catch of the sea (*ṣayd al-baḥr*). Only once this identification is secured does al-Bughūrī turn to doctrine, anchoring his conclusion in mainstream Shāfiʿī sources - Ibn Ḥajar al-Haytamī's *al-Tuḥfah*, al-Ramlī's *Nihāyat al-Muḥtāj*, al-Nawawī's *Rawḍah* and *Majmūʿ*, and al-Damīrī's *Ḥayāt al-Ḥayawān* - rather than in any departure from them(Ginanjar Sya'ban 2018; Khobir, Jaeni, and Basith 2019).

Whether this sequence constitutes a historically significant model of *istinbāṭ*, or simply a well-documented instance of ordinary Shāfiʿī procedure applied to an unfamiliar case, is a question this article treats as open rather than resolved in advance; the primary text supports a claim about method, not yet a claim about its broader significance. What can be established at this stage, without anticipating that analysis, is narrower and more precisely evidenced. First, the treatise has received limited scholarly attention, largely confined to a small body of Indonesian historiography (Ginanjar Sya'ban, 2018; Rohmana, 2022), and has not previously

been examined closely as a primary source, specifically for its identification procedure. Second, this neglect is not merely an impression but is traceable in the citation patterns of the field itself: contemporary halal-certification and food-jurisprudence scholarship indexed in Scopus and Web of Science continues to frame disputed-species questions overwhelmingly through classical Ḥijāzī and Levantine fiqh manuals, while archipelagic treatises such as *al-Ṣawāʿiq al-Muḥriqah* remain confined to regional Indonesian journals and digitized manuscript repositories, seldom entering the international maqāṣid-based halal literature (Junaedi, 2021) on the institutional weakness of local sources in archipelagic fatwa discourse; (Asnan et al., 2025), for the citation profile of contemporary halal governance scholarship. This asymmetry, rather than the treatise's presumed importance, is the specific gap that this article addresses.

The analysis that follows is organized around a single governing framework: *taḥqīq al-manāṭ* as the procedure structuring al-Bughūrī's argument, with his treatment of *khabīth* analyzed as one component internal to that procedure - the point at which sensory and customary evidence bears on classification - rather than as an independent normative concept running alongside it. Broader frameworks that could plausibly be brought to bear on this material, including *maqāṣid al-sharīʿah*, *maṣlaḥah*-based reasoning(2014 الريسوني), and the notion of a distinct "archipelagic fiqh," are reserved for the discussion section, and are invoked there only to the extent that the primary-source evidence actually supports them; they are not treated as established conclusions in this introduction. Accordingly, this study asks one question: how does al-Bughūrī's treatise establish the legal object before ruling on it, and what does that identification procedure show about the evidentiary basis of local *ijtihād* in Southeast Asian Islamic jurisprudence? Its objective is twofold: to reconstruct al-Bughūrī's identification procedure directly from the primary Arabic text, and to situate that procedure within the historiography of the Mecca–Nusantara scholarly network documented by (Ginanjar Sya'ban, 2018) and (Rohmana, 2022). Methodologically, the study proceeds by close textual analysis of *al-Ṣawāʿiq al-Muḥriqah*, cross-referenced against the classical Shāfiʿī sources it cites and read alongside the available secondary historiography on Jawi scholarship in Mecca. Its

novelty lies in returning to the treatise as a primary source in its own right, rather than relying on secondary paraphrase, to recover the specific empirical and consultative steps of al-Bughūrī's reasoning in the sequence and detail the text itself provides - detail existing scholarship has referenced only in general terms. Its contribution is correspondingly twofold: substantively, it documents a historical precedent for settling *taḥqīq al-manāṭ* through empirical testing and traceable scholarly consultation prior to doctrinal ruling, of direct relevance to contemporary disputed-species jurisprudence; and historiographically, it provides an evidentiary basis - grounded in citation patterns rather than impression - for arguing that archipelagic *istinbāṭ* methods remain underrepresented in both national and international scholarship on Islamic food law.

Method

This is a text-based qualitative study that combines intellectual-historical inquiry with doctrinal analysis of an Islamic legal text. It does not test a hypothesis in the conventional social-science sense; it reconstructs an argument - how al-Bughūrī builds his case for the permissibility of eel - and then reads that argument through an analytical lens supplied by later legal theory. The two are kept deliberately separate. What al-Bughūrī himself does with texts, taste, and testimony in 1329 AH is one thing; what Ibn ʿĀshūr's maqāṣid framework and the classical theory of analogy (*qiyās, amthāl*) can help a reader see in that argument a century later is another. Treating Ibn ʿĀshūr's categories as a lens applied retrospectively, rather than as a method al-Bughūrī himself consciously followed, avoids reading a later systematization back into an earlier text(ibn Ashur 2006).

The primary source is al-Bughūrī's treatise *al-Ṣawāʿiq al-Muḥriqah li al-Awhām al-Kādhibah fī Bayān Ḥall al-Balūt wa al-Radd ʿalá man Ḥarramah*, completed at the Sacred Mosque in Mecca in 1329 AH (1910–11 CE) and printed by the Islamic Literary Institute of Herten, Kembar - the same edition consulted directly for this study, seventeen pages in the Arabic original, structured as a preface (*muqaddimah*) of seven points, a main chapter (*bāb*) refuting the prohibitionist position, and a closing section (*khātimah*) on related shellfish(عطارد

الجاوي tth). This particular edition was chosen because it is the version in circulation among the Indonesian pesantren and manuscript-preservation networks that have kept the text alive, and because it is the edition secondary scholarship on al-Bughūrī has, so far, referenced only indirectly. Working from the treatise itself, rather than from paraphrase, is the whole point of returning to it.

Secondary sources fall into two distinct groups, distinguished by how they are used. The first is historiographical: Syaʿban's (2018) account of al-Bughūrī's biography and place in the Jawi scholarly network at Mecca, and (Rohmana 2023) work on the transmission and reception of Jawi intellectual output from the same milieu. These sources establish context - who al-Bughūrī was, whom he taught, what network he belonged to - and are not treated as evidence about the internal structure of his argument, which comes only from the primary text. The second group is theoretical: Ibn ʿĀshūr's writing on *maqāṣid al-sharīʿah*, and the classical rhetorical-legal literature on *amthāl* and *qiyās*(ibn Ashur 2006). These supply the interpretive vocabulary applied to the primary text; they are not themselves objects of historical inquiry here(1903 ابن عاشور).

The unit of analysis is the individual argumentative move within the treatise - each point at which al-Bughūrī states a claim, cites a source, or reports an observation and draws a conclusion from it. Working through the primary text, every such move was extracted and logged, yielding a working corpus of roughly forty discrete argumentative units distributed across three sections: the five-fold classification of animals by habitat in the preface; the eight *awhām* (delusions) addressed and refuted in the main chapter, each treated as one unit regardless of length; and the extension of the reasoning to shellfish in the closing section. Each unit was tagged according to the kind of evidence it relies on - Qur'anic or hadith citation, citation of a named jurist or fiqh manual, reported personal observation, or reported consultation with a named third party - since this typology is what later makes it possible to ask, section by section, how textual and empirical evidence are actually combined.

Analysis proceeded in three stages. The first was identification: reading the treatise argument by argument to establish what claim is being made and what kind of evidence supports it, following the corpus construction described above.

The second was categorization: grouping the identified units by evidentiary type and by their place in the treatise's own structure (preliminary classification, rebuttal, closing extension), to see where textual citation dominates and where empirical testing or consultation takes over. The third was interpretation proper: reading the categorized argument against Ibn ʿĀshūr's distinction between general objectives (*maqāṣid al-ʿāmmah*) and domain-specific objectives (*maqāṣid al-khāṣṣah*), and against his three-part account of how *maqāṣid* operate in practice - attention to the discursive context of the lawgiver's speech (*maqām khiṭāb al-shāriʿ*), the separation of ends from means, and inductive generalization from particulars (*istiqrāʾ*) - asking at each stage whether and how al-Bughūrī's own procedure maps onto these categories, rather than assuming in advance that it does (Wahid, Prasetiyo, and Hamidah 2025). The same units were read a second time against the classical structure of *amthāl* (comparandum, comparans, ground of resemblance, connecting particle) to examine specifically how al-Bughūrī's comparison of eel to ordinary fish is built, and against *qiyās* to assess whether his reasoning turns on an identifiable legal cause (*ʿillah*) rather than surface resemblance alone(Hasan, 2020)

Two safeguards were used to keep the interpretation anchored to the text rather than to the framework being applied to it. First, every claim about al-Bughūrī's method is traceable to a specific passage in the primary treatise, cited by its location in the text's own structure (preface point, specific *wahm* rebutted, or closing section), so that the mapping onto Ibn ʿĀshūr's categories or onto *amthāl*/*qiyās* can be checked against the source rather than taken on faith. Second, where the fit between al-Bughūrī's reasoning and the later theoretical categories is partial or strained - points at which the treatise's own logic does not cleanly match Ibn ʿĀshūr's tripartite scheme, for instance - this is noted explicitly in the analysis rather than smoothed over, since the aim is to see what the text actually does, not to confirm that a twentieth-century framework fits a text written before it existed. The main limitation follows from the corpus itself: this is a close reading of a single treatise, not a comparative survey of Jawi fiqh writing on disputed food species more broadly, and the argument about al-Bughūrī's originality is scoped accordingly - as a claim about this text's internal method, not a general claim about

Southeast Asian *istinbāṭ* as a whole, which the historiographical literature in the introduction is used to situate but not to substitute for direct textual analysis.

Discussion

Al-Bughūrī's Authority and Its Meccan Formation

What makes al-Bughūrī's defense of eel consumption significant is not merely that he wrote it, but the position from which he wrote it - and that position was built deliberately, over three decades, through a specific trajectory that ran from Bogor through Batavia to Mecca itself.

Born in Bogor on 14 Shaʿbān 1278 AH/13 February 1862 CE, al-Bughūrī began with his father's instruction in the foundational Islamic sciences before moving to Batavia to study under Mufti Sayyid ʿUthmān (1822–1913), the Hadrami scholar and Dutch colonial advisor on Arab affairs whose bilingual Arabic–Malay writings on Sufi orders and jurisprudential disputes circulated widely, including in Sundanese translation by Raden Haji Azhari of Bandung(Kaptein 2014, 219). This apprenticeship left a visible imprint: al-Bughūrī's later boldness in composing a polemical treatise from within Mecca itself - *al-Ṣawāʿiq al-Muḥriqah*, refuting the prohibition of eel - echoes Sayyid ʿUthmān's own willingness to take on contested questions in print, and his Sundanese writings on the fundamentals of Islamic teaching bear a close resemblance to Sayyid ʿUthmān's earlier Batavia publications; his pilgrimage manual *Manāsik al-Ḥajj* (1330/1911), for instance, closely parallels Sayyid ʿUthmān's *Kitab Manāsik Ḥajji Jiung ʿUmrah* (1292/1875). This continuity matters for how his authority should be read: al-Bughūrī was working within an established local tradition of vernacular religious writing, not inaugurating one, and his standing rested on extending that tradition rather than founding it.

Al-Bughūrī left for Mecca in 1903 and remained there for the rest of his life, teaching and studying until his death in 1930 (Al-Mar'ashlī, 2006, p. 295). Over those decades he studied under a wide roster of Meccan and Medinese scholars - Abū Bakr Shaṭṭā, Muḥammad Saʿīd Bābaṣīl, the Kattānī family, ʿAbd Allāh al-Zawāwī, and others(Rohmana, 2022) - as well as, in Medina, Sayyid Amīn Riḍwān,

who by the testimony of al-Bughūrī's own student ʿAbd al-Sattār al-Dihlawī praised him as pious, trustworthy, and highly accomplished(al-Hindī 2009, 1645–46; Al-Mar'ashlī, 2006, p. 1476). He also studied alongside Malay-Indonesian scholars already established in Mecca and Java, including Kyai Ṣāliḥ Darat (al-Falimbānī 1988, 40). What this record of teachers establishes is not simply pedigree but access; by the time al-Bughūrī needed Meccan scholars to evaluate his empirical case for eel's permissibility, he was consulting men he had trained under and been vouched for by, not petitioning strangers.

By 1910, al-Bughūrī had become one of eight Jawi scholars officially salaried to teach at the Ḥaram under the Sharif of Mecca, running an evening study circle at Ḥaṣwat Bāb al-Nabī attended by hundreds of students and covering law, theology, Arabic rhetoric, al-Ghazālī's *Iḥyāʾ*, and astronomy (Ḥasan Shu'aib 1428H, 134; Dahīs 2006, 387). He was recognized as a central figure of the Jawi community in the city(Laffan 2003, 175), a position he held across the political transitions from late Ottoman rule through Sharif Ḥusayn's tenure to the Saudi conquest of 1924 - transitions that did not disturb his standing. This is the detail that matters for the argument here: al-Bughūrī wrote *al-Ṣawāʿiq al-Muḥriqah* as an officially recognized teacher inside the Ḥaram, with an existing platform and existing relationships among the very scholars whose agreement he needed, not as an outside petitioner contesting Meccan authority from a position of weakness. His teaching also extended into his own home in the Qashāshiyyah quarter, where he held daily sessions and a weekly Thursday dhikr gathering (al-Falimbānī 1988, 39–40) - evidence less of biographical color than of an independent base of authority running alongside his official position at the Ḥaram.

His students went on to carry his teaching, and by extension the intellectual habits behind it, back into the archipelago, they included Kyai Hāshim Ashʿarī, founder of Nahdlatul Ulama, alongside Muḥammad Yāsīn al-Fadānī, Dāwūd al-Falimbānī, and Muḥammad Aḥyād ibn Idrīs, who succeeded him in his teaching post in Mecca(Abd al-Jabbār 1982, 245; al-Mu'allimi 2000, 274). Al-Bughūrī was also a registered member of the Jamʿiyyat al-Sharīʿah al-Islāmiyyah in Mecca(al-Hindī 2009, 1645–46). That his most consequential student founded the largest traditionalist Islamic organization in Indonesia is a strong indication that his

arguments had a transmission channel into archipelagic religious education - tracing that channel in detail, however, is a task for further research rather than this article. He died on 17 Rajab 1349 AH and was buried in Meccan's Maʿlā cemetery, near Ibn Ḥajar(Wieringa, 2008, p. 637), leaving a body of work in Arabic, Malay, and Sundanese that, alongside *al-Ṣawāʿiq al-Muḥriqah* (1329/1910), includes *Ithāf al-Sādah al-Muḥaddithīn*, *Taqrīb al-Maqṣid*, *al-Mawārid fī Shuyūkh Ibn ʿAṭṭārid* (Mecca 1331, reprinted Cairo 1347), and *Thabat Jamʿ al-Shawārid*.

None of this biography should be read as establishing that al-Bughūrī followed any particular jurisprudential theory in constructing his eel argument; the analytical categories used later in this article - Ibn ʿĀshūr's *maqāṣid* and the classical apparatus of *qiyās* - are a retrospective lens applied to his text, not a method he himself invoked. What the biography does establish, specifically, is the institutional basis of his authority: an officially recognized teaching post, three decades of accumulated trust among Meccan scholars, and a documented channel of transmission into Indonesian religious education. That institutional basis is what allowed him to contest a Meccan-favored ruling on its own terms.

The broader Meccan setting supplies context for that institutional basis rather than an independent explanation of it. Between roughly 1880 and 1920, Mecca operated under a dual Ottoman–Hashemite structure, with Ottoman governors holding administrative authority and the Sharif's family, particularly under Ḥusayn ibn ʿAlī, holding local religious and social weight (Strohmeier, 2013; Sweis, 2020) - a duality that produced constant negotiation rather than settled hierarchy. Rising print culture and an expanding Jawi community of schools, lodgings, and charitable networks made the city an increasingly central node for Southeast Asian scholarship during exactly the decades al-Bughūrī was building his position there(Firdaus & Imawan, 2024; Rohmana, 2022, p. 6), while figures such as Aḥmad Zaynī Daḥlān anchored Shāfiʿī orthodoxy against early reformist and incipient Salafī currents(Azra, 2013; Lauzière, 2010). Disputes over food and local custom, including the eel controversy, were one recurring point of friction in the broader negotiation between textual orthodoxy and local practice that this environment sustained. The specific point this article draws from that setting is

this: the same institutional structure that let some Middle Eastern scholars dismiss eel on the strength of its resemblance to a snake also gave a Jawi scholar with al-Bughūrī's standing the access and the credibility needed to contest that dismissal from within the Ḥaram, rather than simply defying it from outside.

Reading al-Ṣawāʿiq al-Muḥriqah: Occasion, Structure, and the Real Nature of the Legal Question

Al-Ṣawāʿiq al-Muḥriqah did not emerge from abstract scholarly curiosity. It was written to settle a live dispute that broke out in 1329 AH (1911 CE) among Jawi scholars in Mecca, where one camp had ruled eel forbidden on what al-Bughūrī himself dismisses as weak, unsubstantiated grounds - attributed to al-Fāḍil Shaykh Muḥammad Ṭayyib (عطارد الجاوي tth, 8) - while the other maintained it was permissible simply because eel is an aquatic creature. Al-Bughūrī took the latter side, and not only for doctrinal reasons, but the prohibitionist camp had also effectively branded the Jawi community as "snake-eaters," people who consumed what was unlawful(عطارد الجاوي tth, 4). That reputational sting gave the treatise a sense of urgency well beyond an academic point of fiqh. Its purpose was accordingly twofold - to dismantle the case for prohibition and to build, from both scripture and observation, a case for permissibility grounded in a simple claim: eel is a fish confined to water, not a reptile, and therefore never meets the criteria that would justify treating it as a venomous land creature(عطارد الجاوي tth, 4–5).

The treatise itself unfolds across eight chapters, framed by an introduction and a conclusion. It opens with a general classification of animals, then works through exegetical opinion on the Qur'anic phrase "the game of the sea" (5:96), before turning to the specific rulings at stake and to cases where jurists have relied on the unqualified statements of their schools. Two further chapters survey how earlier scholars described eel-like creatures, followed by a chapter of direct biological observation meant to establish, once and for all, that eel lives in water and cannot survive on land. The closing chapter takes on the prohibitionists directly, and the treatise ends by extending the same reasoning to a handful of related foods eaten in Sundanese custom - *kekek*, *seraro leki*, *jagkalog*, *kinkini* - among others (عطارد الجاوي tth, 3).

This structure raises a question the treatise never states outright but answers all the same through the shape of its argument: is al-Bughūrī actually performing *qiyās* here, or something else entirely? Classical *qiyās* rests on four moving parts: an *aṣl* (a source case whose ruling is already settled), a *farʿ* (the new case in dispute), the *ḥukm al-aṣl* (the ruling attached to that source case), and an *ʿillah* (the underlying cause that justifies carrying the ruling across from one to the other). Try to map al-Bughūrī's argument onto that structure, and something does not quite fit. The *aṣl* would presumably be aquatic animals in general, whose *ḥukm* - permissibility - is settled by Qur'an 5:96; the *farʿ* would be eel. But no *ʿillah* is doing independent work here, because nobody in the dispute questions whether aquatic animals are lawful. Both camps of Jawi scholars agree on that much. What they disagree about is whether eel belongs in that category at all, or whether it belongs instead among terrestrial, venomous snakes - a different class carrying the opposite ruling entirely. That is not a dispute to be resolved by uncovering some shared cause linking two categories and transferring a verdict between them. It is a dispute over correctly sorting one case into a category that already exists, which is precisely what *uṣūl al-fiqh* calls *taḥqīq al-manāṭ*: verifying whether the factual condition attached to an existing ruling is present in the case at hand. Every piece of evidence al-Bughūrī marshals - tasting the animal himself, watching its burrow, testing how long it survives out of water, asking around about what it's called elsewhere - serves that single verification, not the construction of a new ruling by analogy. If anything in the treatise leans toward *qiyās* proper, it is the narrower, secondary move of likening eel specifically to ordinary fish, rather than to "aquatic creatures" in the abstract, on the shared ground (*wajh al-shabah*) of gilled respiration and an exclusively aquatic life. Even that comparison, though, is doing the work of settling a classification rather than manufacturing an independent *ḥukm*.

Al-Bughūrī's case for classifying eel as fish rests on two kinds of evidence pulling in the same direction rather than running on separate tracks. On the textual side, he draws on al-Damīrī's *Ḥayāt al-Ḥayawān al-Kubrā*, which describes the *jarībāw*, the *balūt*, and similar creatures as fish that merely take on a snake-like form - moving side to side, surfacing only under duress, but belonging

squarely to the category of sea fish. He pairs this with Shaykh Zādah's commentary on al-Bayḍāwī, which points out that fish come in considerable morphological variety, and that some are called "water-snakes" purely because of their shape while remaining unanimously lawful to eat (عطارد الجاوي tth, 7). Both citations make the same point from slightly different angles: shape alone has never disqualified anything from the fish category in the school's own literature. That is exactly the question at stake in *taḥqīq al-manāṭ* - not evidence of some newly discovered analogical cause.

On the empirical side, al-Bughūrī offers five specific, almost fieldwork-like observations. Eel lives exclusively in water, unlike a snake, which can survive comfortably on land. It sleeps at night at the bottom of the water, as he watched it do himself. It feeds only in water. It dies quickly if placed on dry ground, unlike genuinely terrestrial animals. And farmers who drain their rice fields after harvest never find eel left behind in the drying soil (عطارد الجاوي tth, 7–8). He uses these five points to answer three distinct objections that the prohibitionist side had raised: that eel is disgusting, that it resembles a snake, and that it lives in both land and water at once (a pattern of objection that recurs across Southeast Asian disputes over contested foods more broadly; see Royyani, 2020. Against the first, he appeals to his own repeated tasting and insists that custom, not personal squeamishness, is the proper legal yardstick: "I have tasted it myself, as have most people, scholars and laypeople alike, in the past and now; indeed, eel is more delicious than many other kinds of fish" (عطارد الجاوي tth, 8). Against the second, he draws a clean anatomical line between an animal that breathes through gills and lives entirely in water and one that breathes through lungs and lives on land. Against the third, he returns to his five-part habitat classification, placing eel among aquatic creatures that occasionally cross onto land rather than among true amphibians(عطارد الجاوي tth, 7). Each rebuttal works the same way: it settles a question of fact about the animal itself, not a question requiring a fresh legal analogy - which is exactly what one would expect from an exercise centered on *taḥqīq al-manāṭ*.

Al-Bughūrī did not stop at his own observations. He reports carrying his findings - on eel's anatomy, its behavior, and its place in the archipelagic diet - to a group of scholars in Mecca, who confirmed that an animal matching that

description is permissible without any reservation (عطارد الجاوي tth, 13). This closes the loop that runs through the whole treatise: a textual category that was never in dispute, a factual question about whether one particular case belongs inside it, and finally a collective judgment, from scholars with no personal stake in Jawi dietary habits, that the factual case had been made convincingly. Seen this way, *al-Ṣawāʿiq al-Muḥriqah* is less a showcase of inventive analogical reasoning than a demonstration of just how far a scholar could push a classification question when the texts stayed silent, and a community's everyday practice hung in the balance.

Where This Reading Sits Alongside Existing Scholarship

Placing this argument next to the existing literature means being precise about what each source is actually doing here, rather than treating every citation as equally confirmatory. (Mubarak and Mahfudz 2024) description of the Indonesian Council of Ulama blending classical fiqh with present-day needs through *maṣlaḥah* and *makhārij*, rather than strict *tarjīḥ*, is used here to confirm a continuity rather than to expand their argument: it shows that the outcome-oriented style of reasoning visible in al-Bughūrī's treatise a century earlier was not a one-off, but part of a much longer pattern in Indonesian jurisprudential practice, of which this treatise stands as an early documented case(Hayati et al. 2026). Masruhen dkk. and Riyanto, who describe halal-ruling epistemology as an integration of subjective, objective, and interactive dimensions, use the same way: al-Bughūrī's argument - weaving together personal and communal experience, textual citation, and collective consultation - fits that three-part structure closely enough to serve as a historical example of it(Masruhen, Rahman, and Ibrahim 2023; Riyanto 2024). This article is not claiming that al-Bughūrī anticipated the later theoretical vocabulary, only that the pattern it names is visible in practice in his text.

The literature on *maṣlaḥah mursalah* in contemporary Islamic economic reasoning(Marisa Rizki, Moh Bahrudin, and Syamsul Hilal 2024) plays a different role again. It has nothing to say about al-Bughūrī or the eel dispute specifically, and it is not being cited as confirmation of anything in his treatise. What it does show is that the same underlying principle he relies on without ever naming it - permitting whatever serves communal benefit within the bounds of the text -

remains a live, defensible way of reasoning in a present-day field quite far removed from food jurisprudence. That is offered here only as circumstantial support for treating al-Bughūrī's approach as one recognizable and still-continuing strand within Indonesian Islamic legal reasoning, not as proof that this later literature engages with or builds on his work.

None of these four bodies of scholarship discuss al-Bughūrī or *al-Ṣawāʿiq al-Muḥriqah* directly. The connections made here - historical background, confirmed continuity, circumstantial support - belong to this article's own reading of the material, and should be understood as such rather than as a consensus the existing literature has already reached on its own.

Conclusion

Al-Bughūrī's defense of eel consumption in al-Ṣawāʿiq al-Muḥriqah rests upon four integrated components: an uncontested textual baseline (the general lawfulness of aquatic animals), empirical verification of the eel's habitat and behavior, established local dietary practice, and final endorsement by Meccan scholars. Within the framework of uṣūl al-fiqh, this procedure exemplifies taḥqīq al-manāṭ - verifying whether a concrete case satisfies existing legal criteria - rather than qiyās, which entails formulating a novel ruling. The principal contribution of this article lies in dissecting this argumentative architecture rather than reiterating al-Bughūrī's biographical narrative. The article deliberately avoids framing the treatise as 'pioneering' or as an instance of 'environmental ethics,' as his empirical observations served a strictly taxonomic verification purpose, while the theoretical apparatus employed throughout this analysis functions as a retrospective analytical lens to illuminate his practical imperative to resolve an immediate communal dispute. Within the broader discourse on Indonesian jurisprudence and halal epistemology, the treatise serves as an early documented precedent for an integrated legal reasoning model that combines textual authority, empirical evidence, local custom, and scholarly consultation, though it's parallel with modern halal certification frameworks remains a hypothesis requiring empirical validation. Given that this analysis relies on a single printed edition of a solitary treatise, the study explicitly acknowledges its methodological

scope and proposes a clear research agenda: comparative analysis with contemporary scholars, tracing the post-1920 pedagogical transmission by his disciples, and testing the halal certification analogy against empirical case files. Without overstating its claims, the treatise offers robust historical evidence that Islamic legal reasoning in the Indo-Archipelago has consistently accorded factual verification equal methodological gravity to textual citation.

References

Abd al-Jabbār, 'Umar. 1982. "Siyar Wa Tarājim Ba'ḍ 'Ulamā'Inā Fī Al-Qarn Al-Rābi''Ashr Li Al-Hijrah." *Jeddah: Mamlakah al-'Arabiyyah al-Su'Ūdiyyah*, 1982.

Allimi, A. al-Mu'. 2000. "A'lam Al-Makkiyin Min al-Qarn al-Tasi'ila al-Qarn al-Rabi'Asyar al-Hijri." *Al-Furqan Islamic Heritage Foundation, London*, 2000.

Al-Mar'ashlī, Yūsuf. 2006. "Nathr Al-Jawāhir Wa Al-Durar Fī 'Ulamā'Al-Qarn Al-Rābi''Ashar." *Beirut: Dār al-Ma'rifah* 1427 (2006).

Ashur, Muhammad al-Tahir ibn. 2006. *Treatise on Maqāṣid Al-Shari'ah*. International Institute of Islamic Thought.

Asnan, Auni Zhafirah Mohd, Nabihah Khairulazhar, Nur Najla Mohamad Asri, and Nur 'Aqilah Sofiyyah Nurli Suffian. 2025. "Maqasid Al-Shari'ah and The Ethics of Food: An Analysis of Genetic Modification Foods (GMFs) Beyond Halal Permissibility." *AL-MAQASID: The International Journal of Maqasid Studies and Advanced Islamic Research* 6 (1): 138–52. https://doi.org/10.55265/al-maqasid.v6i1.378.

Azra, Azyumardi. (2013). *Jaringan Ulama Timur Tengah*. Prenada Media.

Böhlke, EB. (1989). "Fishes of Western North Atlantic." *(No Title)* 9 (1989): 657.

Dahīs, 'Abd al-Laṭīf bin 'Abdullāh bin. 2006. *Al-Ḥayāh al-'Ilmiyyah Fī Makkah (1334-1115 H/1703-1916 M)*. Mekkah: Jāmi'ah Umm al-Qurá.

Falimbānī, Muḥammad Mukhtār al-Dīn bin Zain al-'Ābidīn al-. 1988. *Bulūgh Al-Amānī Fī al-Ta'rīf Bi Shuyūkh Wa Asānīd Musnid al- 'Aṣr al-Shaikh Muḥammad Yāsīn Bin Muḥammad 'Īsá al-Fadanī al-Makkī,*. Beirut: Dār Qutaibah.

Firdaus, Syarif, and Dzulkifli Hadi Imawan. 2024. "ULAMA NUSANTARA ABAD KE-19: MASA PENJAJAHAN DAN PUNCAK INTELEKTUAL

HARAMAIN." *Al-Hikmah: Journal of Religions Studies* 10 (2): 95–113. https://doi.org/10.30651/ah.v10i2.23617.

Ginanjar Sya'ban. (2018). " الشيخ محمد مختار بن عطارد البوغوري الجاوي ثم المكي دن جارينغان علماء سوندا تيمور تنغاه أول أبد 20 م (1868—1930 م)." Articles. *The International Journal of Pegon : Islam Nusantara Civilization* 1 (01). https://doi.org/10.51925/inc.v1i01.4.

Guarniero, Ilaria, Alessia Cariani, Alice Ferrari, Valerio Sulliotti, Pietro Emmanuele, Antonio Casalini, Fausto Tinti, and Oliviero Mordenti. (2020). "Sexual Behaviour and Reproductive Performance of the Endangered European Eel Anguilla Anguilla (Linnaeus, 1758) Based on Direct Observations and Paternity Assignment in Semi-Natural Conditions." *Aquaculture Reports* 16 (2020): 100258.

Hasan, Nur. (2020). "Relationship of Maqasid Al-Shari'ah with Usul al-Fiqh (Overview of Historical, Methodological and Applicative Aspects)." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 3 (2): 231–45.

Ḥasan Shu'aib, Ḥusain bin Muḥammad. 1428H. *al-Dawr al-Tarbawī li Ḥalaqāt al-'Ilm bi al-Masjid al-Ḥarām fī 'Abd al-Mālik 'Abd al-Azīz*. Jāmi'ah Umm al-Qurá: Kulliyyah al-Tarbiyyah bi Makkah al-Mukarramah.

Hayati, Ilda, Busman Edyar, Desfitranita, Busahdiar, & Juliansyah. (2026). "Contextualizing Fatwas amid Social Change: A Maqasid-Based Comparative Framework of Legal Reasoning in MUI, Muhammadiyah, and Nahdlatul Ulama." Articles. *Al-Istinbath: Jurnal Hukum Islam* 11 (2): 494–522. https://doi.org/10.29240/jhi.v11i2.15361.

Heemstra, Phillip C. (1993). "Groupers of the World (Family Serranidae, Subfamily Epinephelinae). An Annotated and Illustrated Catalogue of the Grouper, Rockcod, Hind, Coral Grouper and Lyretail Species Known to Date." *FAO Species Catalogue* 16 (1993).

Hindī, Abū al-Faiḍ 'Abd al-Sattār bin 'Abd al-Wahhāb al-Bakrī al-Ṣiddīqī al-. 2009. *Faiḍ Al-Mulk al-Wahhāb al-Muta'ālī Bi Anbā' Awā'il al-Qarn al-Thālith 'Ashar Wa al-Tawālī*. Mekkah: Maktabah al-Asadī.

HumpHries, Austin T., Donna DimArcHopoulou, Konstantinos I. Stergiou, Athanassios C. Tsikliras, Maria-Lourdes' Deng' Palomares, Nicolas Bailly, Cornelia E. Nauen, Susan Luna, Lyra P. Banasihan, and Rainer Froese. 2023. "Measuring the Scientific Impact of FishBase after Three Decades." *Cybium* 47 (3): 213–24.

Junaedi, Mahfudz. (2021). "Epistemologi Fikih Indonesia: Nalar Pemikiran Hazairin." *Syariati: Jurnal Studi Al-Qur'an Dan Hukum* 7 (2): 153–66.

Junariyata, M. Fajar. (2012). *Panen Belut: 3 Bulan Di Media Air Bening Tanpa Lumpur*. PT Niaga Swadaya.

Kaptein, Nico JG. (2014). *Islam, Colonialism and the Modern Age in the Netherlands East Indies: A Biography of Sayyid ʿUthman (1822–1914)*. Vol. 4. Brill.

Khobir, Abdul, Muhamad Jaeni, & Abdul Basith. (2019). "Multikulturalisme Dalam Karya Ulama Nusantara: Telaah Teks, Wacana Dan Praksis Sosiokultural." *IBDA: Jurnal Kajian Islam Dan Budaya* 17 (2): 319–44.

Laffan, M. Francis. (2003). *Islamic Nationhood and Colonial Indonesia: The Umma below the Winds*. Routledge.

Lauzière, Henri. (2010). "The Construction of Salafiyya: Reconsidering Salafism from the Perspective of Conceptual History." *International Journal of Middle East Studies* 42 (3): 369–89.

Marisa Rizki, Moh Bahrudin, & Syamsul Hilal. (2024). "Istinbath Maslahah Mursalah Method in Economics." Articles. *Al-Fadilah: Islamic Economics Journal* 2 (2): 120–36. https://doi.org/10.61166/fadilah.v2i2.46.

Masruhen, Mohmed Firdaus bin, Arip Rahman, and Muhammad Yusuf Ibrahim. (2023). "STUDI HALAL BERDASARKAN PENDEKATAN EPISTEMOLOGI." Articles. *International Journal Mathla'ul Anwar of Halal Issues* 3 (2): 73–81. https://doi.org/10.30653/ijma.202332.90.

Mubarak, Jaih, & Shaifurrokhman Mahfudz. (2024). "Istinbath Methodology of DSN-MUI: Integrating Classical Islamic Jurisprudence with Contemporary Needs." Articles. *Indonesian Journal of Islamic Economic Law* 1 (2): 136–52. https://doi.org/10.23917/ijoel.v1i2.5570.

Riyanto, Waryani Fajar. (2024). "Integrative-Intersubjective Type of Islamic Law Studies: The Shifting of Paradigms in Epistemology of Islamic Law at the Faculty of Sharī'a and Law, Sunan Kalijaga State Islamic University, Indonesia." Articles. *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 58 (1): 1–46. https://doi.org/10.14421/ajish.v58i1.1426.

Rohmana, J. A. (2022). "Sundanese Printed Kitābs in Egypt: Notes on the Contribution of Mukhtār 'Aṭārid al-Bughūrī's Works." *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 11 (1): 1–39.

———. 2023. “Malay-Archipelago Ethnic Diversity in Mecca: Jawi Scholars in the Book of al-Jawāhir al-Ḥisān by Zakariyyā Bīlā.” *Tashwirul Afkar* 42 (1): 1–26.

Royyani, M. Fathi. (2020). “Kajian Yang Keren: Belut Dalam Pemikiran Hukum Islam.” Alif.ID - Berkeislamanan Dalam Kebudayaan, May 11. https://alif.id/17G9/kajian-yang-keren-belut-dalam-pemikiran-hukum-islam.

Strohmeier, Martin. (2013). “Fakhri (Fahrettin) Paşa and the End of Ottoman Rule in Medina (1916-1919).” *Turkish Historical Review* 4 (2): 192–223.

Sweis, S. Jiryis. (2020). *Hashemite Household Anxieties: The Amirate of Mecca, Arabism, and the Arab Revolt (1880–1919)*. 2020.

Tesch, FW, & Norbert Rohlf. (2003). “Migration from Continental Waters to the Spawning Grounds.” In *Eel Biology*, 223–34. Springer.

Tsukamoto, Katsumi, Mari Kuroki, & Shun Watanabe. (2020). “Common Names for All Species and Subspecies of the Genus Anguilla.” *Environmental Biology of Fishes* 103 (8): 985–91.

Wahid, Ziadul Ulum, Handoko Budi Prasetiyo, & Tutik Hamidah. (2025). “Ibn Asyur’s Concept of Maqashid Al-Shariah and Its Urgency as a Basis for Contemporary Ijtihad.” *Fonologi: Jurnal Ilmuan Bahasa Dan Sastra Inggris* 3 (2): 14–26.

Wieringa, Edwin. (2008). *Mecca Has Spoken, Case Closed: Muhammad Hasan B. Kasim’s 1913 Meccan Poem of Advice on Sarekat Islam*. Na.

ابن عاشور, محمد الطاهر. 1903. *مقاصد الشريعة الإسلامية*. Rufoof .

الريسوني, أحمد. 2014. *القواعد الأساس لعلم مقاصد الشريعة*. 1 st ed. مؤسسة الفرقان للتراث الإسلامي. https://doi.org/10.56656/101014 .

سليمة, طلحاوي and ,باجو مصطفى. 2022. “تحقيق المناط في النوازل الفقهية المعاصرة – الذبائح أنموذجا –.” *مجلة العلوم الإسلامية والحضارة* 7 (1): 193–218.

عطارد الجاوي, محمد مختار بن .tth *الصواعق المخرقة للأوهام الكاذبة في بيان حل البلوت والرد على من حرمه*. Kediri: المهعد الاسلامي.