

Assessing Minimum Standard Requirements and *Sharia* Compliance for Muslim's Cemetery at Urban Setting

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To cite this article:

Jamilah Othman, Norsyaza Husna Albakeri. Assessing Minimum Standard Requirements and *Sharia* Compliance for Muslim's Cemetery at Urban Setting. *Landscape Architecture and Regional Planning*. Vol. 4, No. 1, 2019, pp. 15-20. doi: 10.11648/j.larp.20190401.14

Received: December 27, 2018; **Accepted:** February 11, 2019; **Published:** April 18, 2019

Abstract: The paper documents a study on the Minimum Standard Requirements (MSRs) and *Sharia* compliance of a Muslim's cemetery on Jalan Ampang, Kuala Lumpur, Malaysia. The site was selected, due to the historical and socio-cultural values that it holds amongst the urban community. The paper aimed to assess the existing infra development and planning layout of the landscape based on multiple methods of data collections (*e.g.*, review of literature, site observation, and questionnaire survey). A finding shows that the crowded cemetery implicates a grave-finding location and pedestrian circulation within the sacred landscape. The result also suggests that lack of good landscape maintenance and management practices influence the visual quality of the landscape, which indirectly influences the image of the capital city of Kuala Lumpur. Hence, this study has merits because it provides objective solution to assist stakeholders to consider establishing a Muslim's cemetery at an urban setting using MSRs of infra that comply with the *Sharia*.

Keywords: Muslim's Cemetery Landscape, Minimum Standard Requirements (MSRs), Infra Developments, *Sharia* Compliance and Urban Setting

1. Introduction

A Cemetery is a burial ground, where a deceased is buried and protected from scavengers and weather for hygienic and healthy sanitation purposes [1]. Under the *Sharia* (Islamic Law), it is *wajib* (compulsory) to bury a dead body of a believer. The demand is clearly instructed in the Islamic rites. A Muslim's cemetery would remind a believer about life after death, where a grave spiritually symbolises two types of gardens; *e.g.*, a garden of paradise or a garden of hell. The landscape that 'houses the dead' may evoke various unpleasant feelings because of the unorganised planning layout and design including poor landscape maintenance and management. However, the negative emotions are sometimes inevitable, due to reasons of visitation and belief [2]. This describes one's mixed emotions experienced while attending a ritual ceremony at a cemetery [3].

To establish a Muslim's cemetery with MSRs that abide by the *Sharia* compliance at an urban setting without compromising the

planning guidelines is crucial. Importantly, the standard offers the minimum requirements for infra development with *Sharia* compliance. It is observed that the application of the MSRs would be more practical to an urbanscape with a constant issue of land shortage. In fact, developing a Muslim's cemetery using the MSRs is necessary for the urban community's good. Thus, this paper suggests that more research is carried out in the context of urbanisation annexation of a sacred landscape.

Concerning that, the study assessed the MSRs and *Sharia* compliance of a Muslim's cemetery on Jalan Ampang, Kuala Lumpur. The result of the study seeks intervention from stakeholders to enforce the Islamic rites in the existing cemetery planning doctrines for more effective *Sharia* compliance outcomes. Here, a collaboration amongst professionals in the built environment and religious experts is essential. Also, the result challenges both architect and landscape architect to provide a corridor for a '*final destination landscape*' that segregates between the living and the dead using MSRs of infra development.

2. Literature Review

Historic and culture are the traditional core values to describe the cemetery on Jalan Ampang, Kuala Lumpur. The sacred landscape holds high spiritual and religious meanings amongst the urban community since its existence in 1819. Being the oldest Muslim's burial ground in the city, the landscape has conservation - worthy heritage. Earlier, cemeteries were located outside a village and separated from human settlements. However, later, more settlements begin to establish around the city centre, where the landscape of the cemetery starts to marginalise within the cityscape. Today's a cemetery is a dignified landscape, which planning doctrines is stipulated in the National Planning Principles. The followings review several concepts found parallel to the development of a Muslim's cemetery from the perspectives of religious and legal regulations.

2.1. The Concept of the Islamic Built Environment (IBE)

Amongst the believers, Islam is a universal religion (*al-Hujurat* 13; *Saba'* 28 & *al-An'am*, 38). The faith demonstrates 'the way of life' and this includes the instruction to practise best-built environment. The concept of Islamic Built Environment (IBE) provides a comprehensive framework for a better lifestyle [4]. It is a point to confess that the philosophy has a foundation rooted in the principle of *al-Wasatiyyah*. The former stresses the need to practise a moderate built environment, while the latter regulates the core philosophy of being moderate in all aspects of life. In short, the concept of IBE illustrates a cohesive lifestyle that has concern for both social (built environment) and religion needs (*Wasatiyyah*). Though the principle of *al-Wasatiyyah* defines a multi-dimensional knowledge [5], the bottom line is that it teaches the believers to conduct a modest lifestyle based on *Sharia*.

2.2. Muslim's Cemetery Under the Local Planning Provisions

Review of literature shows that there are general planning guidelines established to assist for a better cemetery development in Malaysia. The planning doctrines are prepared to guide sectors at different levels of administrative; e.g., State, Local authority, Non-Government Organisation and Private Sector [6]. Though descriptions are more on the legal regulations, the conceptual national planning principles also provides general guidelines for the burial of a Muslim's deceased. The followings summarise the key criteria highlighted under the national cemetery planning provisions:

1. Accurate and fair – following the demands of ones' religion, culture, which are suitable to the local community
2. Accessible – equipped with a road for easy access to a site
3. Systematics – cemetery planning that observes public's necessities for short and long terms needs with an organised and sustainable development
4. Security – suitability of site selection should consider for safety purpose

5. Clean and beautiful – ensuring that the cemetery landscape is clean, beautiful and well organised with supporting facilities like parking area, relaxation and waiting spaces

6. Abide by policy and regulatory compliance

Based on the Jabatan Perancang Bandar Dan Desa Perak Darul Ridzuan Unit Penyelarasan Dasar [7], the development of a Muslim's cemetery must provide basic facilities for funeral services and comfort. Importantly, both planning layout and design must adhere to *Sharia* compliance. However, in an urban area, there are continuous issues on land shortage, socio-culture, politics or budget constraints that may influence a planning decision. The guidelines prepared by the Department of Town and Country Planning, Peninsula Malaysia helps maintaining planning uniformity and reducing unnecessary planning decisions. It is good to know that the implementation of the planning guidelines supports the distinctive requirements outlined in the Islamic rites. It is found that concern for the public's well-being is evidenced in the current planning provisions. This further describes an authority's awareness of regulating the principle of *Maqasid al-Sharia*.

Generally, the development of a Muslim's cemetery in an urbanised area has constraints. This might lead to an inappropriate design organisation [8]. Increasing numbers of graves in an urban area has resulted from high populations. This study also illustrates a crowded cemetery with inconvenient pedestrian circulation. In fact, a visitor can get disoriented in finding way while in the compound. The reason is due to lack of effective way-finding systems (e.g., blocks, section or signage) to guide and direct a person to the intended space.

On the other hand, to identify a grave using a numbering system should be considered for future planning layout. Another, the use of a grid system provides efficient circulation and is convenient for grave finding purpose. Interestingly, some local authorities have adopted an "*e-pusara*," (*e* – grave) system. The technology reduces the time taken to locate a grave in a crowded cemetery like the one on Jalan Ampang.

2.3. Purpose of *Maqasid al-Sharia*

In Islam, a cemetery is a burial ground for the dead with a spiritual belief that everyone shall leave this world and submit himself to Allah. To bury a deceased is compulsory, which demand is clearly outlined in the *Maqasid al-Sharia*. The purpose of the burial is to protect the dead from scavengers and weather for hygienic and sanitation purposes [1, 9]. This explains the aim of the *Maqasid al-Sharia* in the context of Muslim's cemetery. *Sura Jatheyah*, (45:18) states that the primary objective of a *Sharia* is to benefit humanity. One of the ways is to provide a healthy living environment.

Another fundamental aim of the *Maqasid al-Sharia* is to assist to a better life in this world for the preparation of the hereafter. The law accommodates the believers with systems of ethics and values covering all aspects of life (e.g., personal, social, political, economic, intellectual and others). The application of the *Maqasid al-Sharia* provides comprehensive

solutions for a better living [10]. Parallel to that the Holy Quran declares, "and we sent you (o Muhammad *S.A.W*) not but as a mercy for all (e.g., humanity, *jinn* and all that exists) (Al-Anbiya: 107). In short, *Maqasid al-Sharia* enforces the religious regulations on the necessity to establish a cemetery with adequate facilities and utilities for the protection of a deceased and the good of the public.

Review of literature concludes that the *Maqasid al-Sharia* enforces the religion regulations for a *Sharia* compliance cemetery development. There are certain standard and quality that a Muslim's cemetery must uphold while facilitating a funeral ceremony and other spiritual exercises as outlined in the Islamic rites. Another information to be highly considered in the development of a Muslim's cemetery is not to exaggerate or overdone both structure and design of a grave. The best construction should be moderate as highlighted in the concept of IBE, which philosophy is derived from the principle of *al-Wasatiyyah*. The existing national cemetery planning doctrines as stipulated by the Department of Town and Country is found sensitive to the Islamic demand with concern for public's good. Though the principles provide general guidelines, it facilitates the necessity to establish a Muslim's cemetery for a designated residential area.

3. Research Methods

The necessary data were collected using mixed methodologies, including literature review, site observation and survey questionnaires. The followings describe the details of the methods:

3.1. Site Observation

The technique identified the followings information: *i*) layout of the cemetery *ii*) types of facilities and utilities provided *iii*) types of activities and, *iv*) landscape condition. Photograph was used as surrogate to record and document the scenes thought to be relevant. The observation exercise had taken place on Thursday and Friday. Both are the holy days, based on the Muslim's calendar. Thus, the believers are encouraged to visit a grave on these days. It was found that an acceptable number of crowds on the site could influence the results of the observation. For instance, higher visitations provide adequate information on the activities held. A checklist was prepared to guide the researchers on the subjects and issues to be observed. The approach supported the observation technique.

3.2. Questionnaire Survey

The survey was carried out a week after having completed

the site observation exercise. With a small sample size (thirty respondents), the survey assessed the MSRs of the existing facilities and utilities at the cemetery with *Sharia*'s demand. Secondly, it identified the quality of landscape maintenance and management practice. The potential respondents were approached at a parking area after they had completed their spiritual visit.

4. Result and Finding

The findings obtained from the review of the literature, site observation and questionnaire survey were analysed using content and descriptive analyses. They are presented in a tabular form, where photographs are used to provide a better understanding of the site's condition and the existing infra developments. For simplicity, the results are described and organised based on the methods used.

4.1. Findings on Site Observation

Based on the site observation, the result shows that the majority of the visitors was the matured adults. More visitors preferred to visit the cemetery in the morning since it is the nicest time of a day in a tropical climate. Thus, more shades should be introduced for comfort and quality sacred landscape. Secondly, it was found that more visitors had visited the site on Friday than on Thursday. The result shows that there were religious (e.g., reciting a holy Quran) and civic (e.g., cleaning graves) activities occurred on both days. Views of security guards patrolling the landscape describe concern for the public's safety.

Finding further shows that a '*silang tikar*' layout is established at the Muslim's cemetery. The layout has adhered to the *Shariah* compliance, in which a burial of the dead is laid to face the *qiblah* (e.g., a direction of a *Kaabah*). Overall, the unorganised layout of the graves implicates pedestrian circulation and grave-finding location. Thus, the old planning layout requires urgent upgrading. Generally, the '*silang tikar*' layout is the best solution to ensure that a grave is facing the *qiblah*.

In conclusion, the cemetery visualises a sacred landscape with scattered graves. Again, this implicates pedestrian circulation, grave-finding and visual quality. The issues would be critical, due to lack of land availability and high density of urban population. Result further concludes the urgency to establish a Muslim's cemetery with a burial system that serves for the community's good using MRSs. *Tables 1*, and *Table 2* summarise the findings based on the site observation, while *Figure 1* illustrates the condition of the existing infra development.

Table 1. Findings on the layout, infra developments and activities based on site observation.

Objectives of the study	Findings
1. To identify the cemetery planning layout	The cemetery adopts the conventional arrangement; a ' <i>Silang tikar</i> ' system
2. To identify the existing infra developments	A structure of " <i>Kepuk</i> " (a structure built around a grave) is widely used. Some graves provide gate/barrier around them. Facilities and utilities include shelter, parking area, seating, signage, toilet, <i>wudhu</i> area, <i>musolla</i> (a small praying space completed with an ablution area) and storage
3. To identify activities on site	Activities, like cleaning a cemetery compound, reciting a Quran and offering prayers, were determined on site

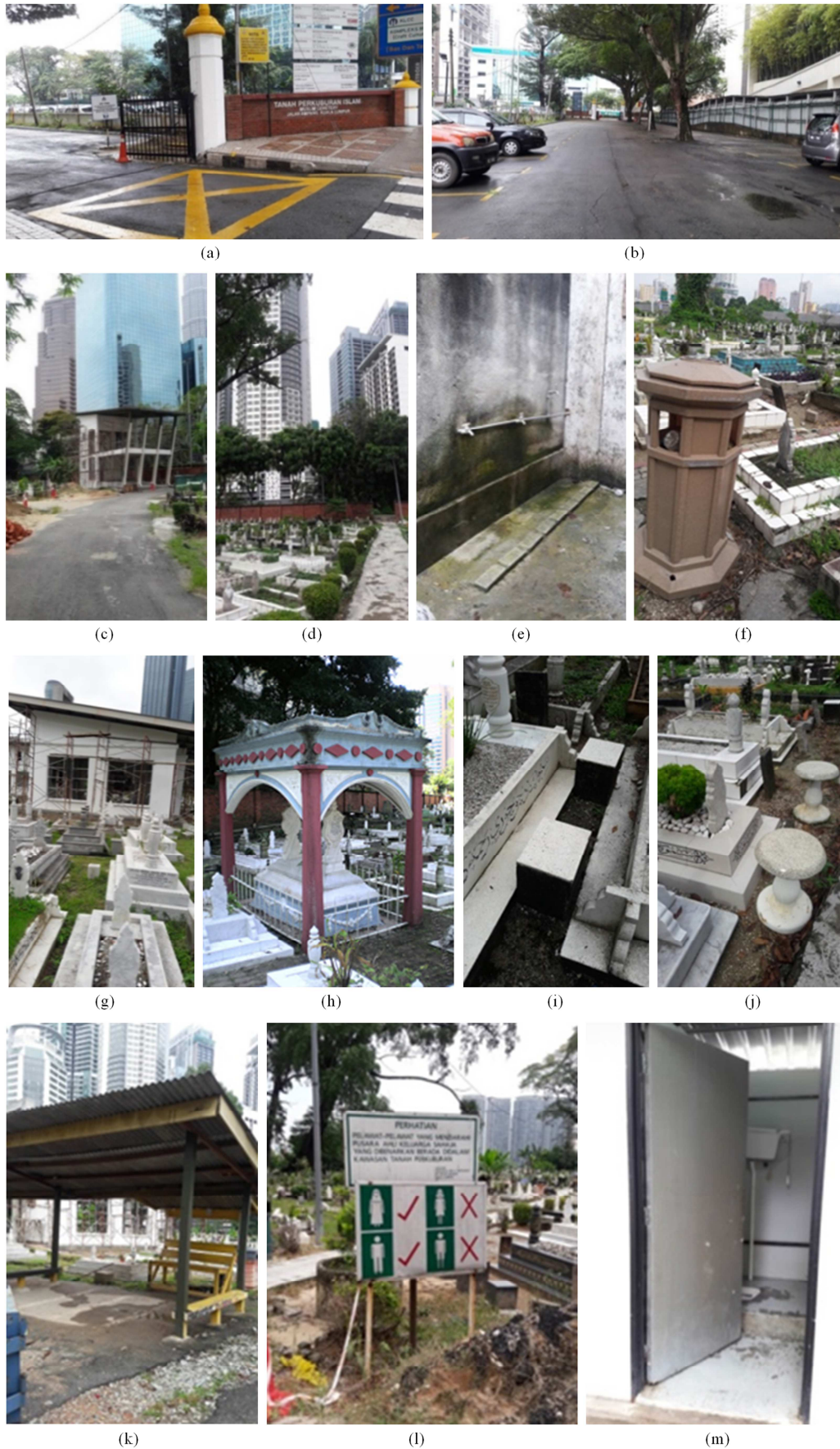


Figure 1. Findings on infra developments based on site observation. (a) Main entrance (b) Parking area (c) Site accessibility (d) Walkway (e) Rubbish bin (f) Wudhu area (g) Built structure around grave (h) Musolla at the background (i) Seating (j) Seating (k) Shelter (l) Signage (m) Toilet.

Table 2. Summary of findings on infra developments based on site observation.

Infra developments	Findings
Entrance	The gated main entrance provides site boundary, security and site identity; refer to (a)
Parking spaces	The space provides an acceptable number of parking. Nevertheless, it requires a continuous maintenance for cleanliness and visual quality purposes; refer to (b)
Site Accessibility	There is a single access road to the cemetery, which needs urgent maintenance and management; refer to (c)
Pedestrian walkway	A pedestrian walkway is located in the centre of the site. Lack of walkway implicates circulation. Furthermore, graves are densely laid and implicate grave-finding location and circulation. Construction debris on walkway implicates visual quality and circulation; refer to (d)
Wudhu area	The facility is inconvenient amongst the female users because it has no partition to segregate between gender. The design implicates privacy; refer to (e).
Rubbish bin	Poor location of the bin implicates cleanliness, visual quality and circulation; refer to (f)
Musolla	There is no mosque found on the site. The facility is compulsory for funeral and others ritual exercises. The newly built <i>musolla</i> would further congest the cemetery. Finding shows that there is no walkway to link the <i>musolla</i> to the spaces within the compound; refer to (g)
Built structure around a grave	Some graves have structures erected on them. In the <i>Sharia</i> , a permanent structure is not allowed. In a <i>Hadith Sahih</i> narrated by Jabir R.A.: The Prophet S.A.W forbade plastering over graves, sitting on them and erecting structures over them. (Narrated by Muslim: 970) Besides contradicting to the <i>Sharia</i> compliance, constructing the an additional structure acquires more land; refer to (h)
Seating	The finding shows that there are seats provided by individuals' initiative; e.g., family members of a deceased. However, the locations are not practical because the structures create more congestion; refer to (i) and (j)
Shelter	The shelter provides shade and space for relaxation. However, the architectural style is conflicting with the sophisticated image of Kuala Lumpur; refer to (k)
Signage	The finding shows that there is a signage instructing for proper dress code while on the site. However, due to poor location, not everybody is aware of the contents; refer to (l)
Toilet	The finding shows that it would be convenient to build the facility inside the cemetery without compromising to the religion regulations, though some visitors would prefer to have it built outside; refer (m).

4.2. Findings on Questionnaire Survey

Information on the demography shows that an average age of the respondents was between 35 to 40 years old, where male was the majority. Half of them agreed that (51.5%) the numbering system used by the new planning policy to identify the location of a grave is better than the old one. The system is found to be more efficient due to time-saving. For similar purpose, some respondents (30.3%) are found using the existing tree as a landmark. However, tree is not the best reference because it is not a permanent structure. Overall, finding suggests that a numbering system is the appropriate approach to locate and identify a grave of a crowded cemetery.

The finding further shows that 87.8% of the respondents agreed that parking is a necessary facility. More than half of them requested for a proper ablution space including a partition to segregate between males and females. All of the respondents agreed that seating is important. Similarly, facilities and utilities like shelter, signage, lamp post and toilet receive higher agreement (between 57.5% and 72.7%). Apart from that, a high number of respondents agreed that a *musolla* is a necessity, since the nearest mosque available is about a half kilometre of walking distance. The facility is needed to hold a compulsory prayer during a funeral service and other spiritual offerings. Interestingly, more than half of the respondents (57.5%) suggested that a toilet should be placed outside the cemetery, due to respect for the dead and cleanliness issue.

5. Conclusion

This paper documents the preliminary data on the MSRs and *Sharia* compliance for the development of a Muslim's

cemetery in an urban setting. Importantly, the results offer objective solutions to be considered for future planning guidelines. The specific purpose of the parameter (e.g., infra development) used was to contextualise the site's physical variables (e.g., facilities and utilities) with the MSRs and *Sharia* compliance. The variables were the attributes used to assess both MSRs and *Sharia* compliance. There are some critical points found in the findings. Though the existing infra provides adequate facilities and utilities, there is a need for urgent maintenance and management. It is anticipated that inappropriate landscape maintenance and management may influence the enforcement of the *Maqasid Sharia*.

The study suggests that there is an urgency to upgrade the quality of the facilities and utilities, and so as to introduce a better grave-finding location system. Secondly, a design element that is conflicting to the *Sharia* compliance should be prohibited. Next, the best practices of landscape maintenance and management should be highly considered for a sacred landscape located in the capital city of Malaysia. The followings describe the key issues that request for stakeholders' intervention:

- i) Lack of maintenance of the accessed road to the cemetery implicates traffics, cleanliness and visual quality
- ii) The opened design system of a *wudhu* area (ablution area) implicates privacy and comfort amongst the female users
- iii) Lack of pedestrian walkway within the compound implicates an internal circulation
- iv) Inappropriate location of facilities and utilities implicates visitors' circulation, comfort and convenient
- v) Zero signage to show direction within the compound implicates grave-finding location
- vi) Lack of shades using either human-made or natural element implicates a quality sacred landscape

vii) Poor design of landscape furniture implicates the image of Kuala Lumpur as a capital city of Malaysia.

In conclusion, it is particularly important to enforce the concept of IBE in the future cemetery planning principles, so that a moderately built environment can be uniformly established. An exaggeration of a built structure with rich ornamentation of a grave should be prohibited. Rationally, the structure acquires more space, which land can be used for others development. The study suggests that the preparation of future cemetery planning guidelines should consider engaging more religious experts. The association between professionals and religious experts would constitute to better enforcement on the legal and religious regulations. The study further suggests for a '*final destination landscape*' research to establish a corridor that segregates between the living and the dead by considering the MSRs of infra with *Sharia* compliance.

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