

RECOGNITION AND RELIABILITY OF HALAL LOGO FROM NON MUSLIM COUNTRIES: A LEGAL PERSPECTIVE

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Halal concept has become an unconditional and fundamental in food industry not only to the Muslim as well as non-Muslim. Thus, the genuineness of the Halal logo and the issuance of its certification becomes the most important precaution especially for the food products manufactured from the non-Muslim countries into Malaysia and being sold and consumed locally. In such a case, the halal certification is leading towards the best recognition and reliability in the food industry even from the non-Muslim countries especially from the recognized countries as halal provider to attract Muslim as consumer. In Malaysia, the certification of halal is issued by the Department of Islamic Development Malaysia (JAKIM) under the purview of Ministry in the Prime Minister Department. The illegality and uncertainty of Halal certificates will lead to undetermined decision making among Muslims. Thus, this paper aims to identify the recognition and reliability of certification of halal logo from non-Muslim countries into Malaysian food industry legally. To come up with the result, the relevant guidelines and procedures on halal certifications and processes will be analyzed. Finally, this paper will also identify the existing legal effects on the manipulation of the recognition and reliability of halal logo from any other countries into Malaysia. The article further recommends that the government as an authority to play a vital role to ensure the carrying out and enforcement of the legal procedures before the issuance of Halal logo and its certification especially to the non-Muslim traders in applying for the Halal recognition. It is hopeful to lead Muslim's belief and confidence towards the application of Halal logo and its certification from the non-Muslim countries in Malaysian application.

Keywords: Halal Logo, Certification, JAKIM, Legal.

I. INTRODUCTION

Halal industry has growing faster and tremendously successful in introducing the Muslim way towards the Halal consumption. The Halal businesses in Malaysia have enormously grown while producing benefits to the Muslim as well as the non-Muslim too. The term 'Halal' attracts non-Muslim as it covers all aspects of Halal including quality, services, and cleanliness starting from the making of its production which covers the raw materials, production, packaging, manufacturing, logistics, banking and certification among the exporters (Saifullah & Ismail, 2015). These criteria's is proven to draw people's attention from all over the world including the non-Muslim countries based on the expectation and perception that Halal products are safe and healthy (Ibrahim, H. *et al*, 2012). As Muslim, it is made compulsory under the religious obligation to confirm the Halalness of the products. However, for the non-Muslim, the demand towards the Halal is based on

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the perception and confidence that the product will be in a very good condition as it compliances of Halal procedures as well as its hygienic and contamination-free principles in food production (Kassim, M. *et al*, 2012).

The needs of Halal logo act as certificate to authorize Muslim to feel confidence in buying, consuming and applying the products (Razali, S.M. *et al*, 2015). However, the issue of Halal becomes a problem when the certificate from the non-Muslim countries turns to be one of the Malaysian major contributors in food industry. The task to determine the Halalness of the production is not easy as they are imported from the non-Muslim countries into Malaysia. The reliability of the Halal logo becomes the most concern among the Muslim consumer. The Halal logo is considered as the best identification among the Muslim to categorize the product in the market to be consumed. In the meantime, any misuse of the Halal certificate and logo has been widely found from the irresponsible distributors or traders especially in the food industry which have being imported into Malaysia. Thus, the status of Halal from the non-Muslims countries is questionable. The recognition and reliability of the status is vague and ambiguous. The ambiguity and vagueness should not arise in Halal issue. It must be a 100 percent trust and confidence based on the Halal status.

Therefore, the issue of the recognition and reliability of Halal logo from non-Muslim countries raise a problem where a number of importers from non-Muslim countries acted immoral and illegal by applying the fake Halal logo which is not recognized by the Department of Islamic Development Malaysia (JAKIM). In fact, a problem of recognizing and the application of Halal logo in Malaysia among Malaysian perspective by irresponsible party may lead to confusion among Muslims as consumers to determine the validity of the genuine Halal logo (Mohd, M.N. *et al*, 2008) There is a lot of research that has been conducted in detecting and recognizing the Halal logo by qualified researchers (Razali, S.M. *et al*, 2015). It is to ensure the recognition and reliability of Halal is doubtfulness, clear and unambiguous.

II. AN OVERVIEW OF HALAL PRINCIPLES IN MALAYSIA

Trade Description Order (Usage of the Term “Halal”) 1975 defines Halal as ‘when the term is used in relation to food in any form whatsoever, in the process of trade or commerce as an aspect of trading or part of an aspect of trading for the referred food, the terms ‘Halal’, ‘Guaranteed Halal’ or ‘Muslim Food’ or any other terms that may be used to indicate or may be understood as meaning to indicate as permissible to be consumed by Muslims and allowed in their religion for the referred food to be consumed, must therefore mean the following, that is, the food for which such terms are being used: Explain the students’ parctice level of the 17 noble values for primary school.

- Does not stem from or consists of any part of or item from animals that are forbidden to Muslims by Islamic law, or animals that have not been slaughtered according to Islamic law.

- Does not contain any substance that is considered impure in Islamic law.
- Is not prepared, processed or manufactured using equipment or utensils that are not free from impurities as defined by Islamic law
- That, in the preparation, processing or storage stage, does not come in contact with or is stored near any kind of food that does not meet the requirements of para(s) (a), (b) or (c) or any substances that are considered impure by Islamic law.

Malaysia fully support in promoting Halal certification. Malaysia was the first country in the world acts as pioneer in initiating the Halal laws until it is recognized all over the world in which the recognition also is authorized by the non-Muslim countries too (Syed Marzuki, S.Z. *et al*, 2012). The confidence towards Halal certification has led to the belief that the issuance of Halal logo as certification is a benchmark for the product quality and service. Having Halal logo turns the market as an additional value to the eyes of the world.

In confirming the quality of the product and service under the requirement of Halal is placed under the control of the JAKIM. JAKIM has to ensure all the requirements are adhered to by the business and industry. Furthermore, according to Ibrahim, H. *et al*. (2012), the authors stressed that it is important to be very particular in ensuring the goodness; the safeness and the fitness of the product are in compliance with the *Halal* and *Thoyyiban*. JAKIM acts as leading role to protect all the Muslims affairs in compliance with Shariah. To ensure the validity of the Halal certification in producing the Halal logo, JAKIM urges to guarantee that all ingredients and raw materials used in the products are Halal. One of the most important tasks of JAKIM is to carry out the procedures such as conducting an official site visit and inspection, to maintain and monitor at all times without failure to maintain the authenticity and genuineness of the Halal logo produced. According to JAKIM, applicants who are eligible to apply for the Halal Confirmation Certificate is categorized as manufacturer/ producer; distributor/ trader, sub-contract manufacturer, repacking, food premise and battoir/slaughter house.

III. 3. HALAL LOGO AND CERTIFICATION FROM THE NON MUSLIM COUNTRIES

According to Lee, S.H., *et al* (2016), Halal is categorized as Islamic brands. The brand is divided into four types to be distinguished. *First*, the True Islamic Brand, Halal product that produced form Islamic countries which targeting on Muslim. *Second*, Traditional Islamic Brands, assumed Halal product that produced from Islamic countries also targeting on Muslim. *Third*, Inbound Islamic Brands, Halal products that produced from Islamic countries which not only targeting Muslim and the *fourth*, Outbound Islamic Brands, Halal product from non-Muslim countries

and not only targeting on Muslims. In such a case, the branding is controlled to be more specific and precise.

The advance of Malaysian market has led towards the variant of Halal products, either domestic or imported. In addition, the increased in the standard of living, a growing population among Malaysian people in line with the demand for the production of foods has led to the needs from any other sources or provider including the non-Muslim countries. The providers are among the countries such as Singapore, Australia, New Zealand, South Africa, Europe, America and others. These countries are the contributors to support the needs and demands to fit the living of people (Syed Marzuki, S.Z. *et al*, 2012). Based on that, it is important to ensure the awareness of Halal principles as it becomes major concerns among Muslim to label the Halal and Haram, which is consumable and which is not. It is compulsory for the Muslim to search for the Halal. Thus, the fourth type of Islamic brands known as Outbound Islamic Brands in which the production of Halal product is coming from the non-Muslim countries and the consumers is not supposed to be Muslims. For this type, the issue arises regarding the Halal logo and certification from the non-Muslim countries as the traders of the Halal product with regard to the recognition and reliability of the logo and certification into Malaysia.

As discussed above, JAKIM is one of the most authoritative bodies in Malaysia which is very committed in supporting the implementation and enforcement of Halal industry in Malaysia (Noordin, N. *et al*, 2009). According to Syed Marzuki, S.Z. *et al* (2012), Malaysian Halal certification is regarded as 'a total quality health and sanitary system that involve adopting procedure for slaughtering processing and other related operations as outlined based on quality, sanitary and safety considerations'. JAKIM plays very important role to protect Muslim consumers in Malaysia and it is always been JAKIM's responsibility to assure them to seek for halal products as urged by shariah (Abdul Majid, M.A., *et al*, 2015). For the purpose of halal certification, JAKIM has to ensure that all ingredients and raw materials used in the products are halal. JAKIM has to ascertain the halal status of the product at every stage and at every process involved by carrying out an official site inspection on the plants purposely to examine on how the halal status of the raw material is maintained and monitored at all times. Based on these reason, nevertheless, JAKIM requires a reputable and credible foreign halal certification bodies as JAKIM representatives to monitor/verify the halal status of these raw materials and products with responsibility and integrity (Procedures for Appointment of Foreign Halal Certification Bodies, JAKIM).

IV. 4. GUIDELINES AND PROCEDURES ON HALAL CERTIFICATION AND PROCESS

JAKIM is the agency responsible for the Islamic affairs including halal certification in Malaysia. Thus, to ensure the recognition and reliability of the Halal logo and

its certification, there are a few procedures endorsed by JAKIM in order to ensure the reliability of halal are applied for The Foreign Halal Certification Bodies (FHCB) applying for Department of Islamic Development Malaysia (JAKIM)'s appointment, the Foreign Halal Certification Bodies (FHCB) appointed by the country's government, and the Foreign Halal Certification Bodies (FHCB) which have been appointed and recognized by Department of Islamic Development Malaysia (JAKIM).

At this level, there are few procedures need to be observed by any foreign bodies especially from the non-Muslim countries to apply for a license of Halal. The most important process to any application made by the foreign body to ensure all the documents attached are able and competence to be evaluated. The certification body shall apply directly to JAKIM using the form provided by JAKIM attached together with a few documents as a certification body profile and a copy of registration document with the local authority. After that, there will be an evaluation process of the application. Application shall be received at least four (4) weeks before the date of inspection by JAKIM's committees. The inspection process will be arranged by JAKIM. At this stage, any incomplete application with will not be processed.

Upon approval of the application, an audit shall be conducted to the operating office of the certification body. The audit shall include a site visit to the certified abattoir and processing plant in order to practically inspect on how the process is conducted at the place itself. Before JAKIM conducts the auditing procedures, the applicant will be early notified on how and when the audit will be conducted. JAKIM will carry out a visit as part of evaluation process based on the application. At this level, the interested foreign body can apply for the training from JAKIM to comply these certification processes in compliance with the Malaysian Halal standard. Then, there will be an auditing process to be conducted by the auditors of JAKIM. This auditing process is to ensure the preparation of the report to be presented before the JAKIM's committees within one month is done without fail. Based on the result of the audit, any successful or failure application will be advised to the respected applicants.

In a failure case, re-application still can be made by unsuccessful application after six (6) months and shall follow the similar processes and procedures again. For the successful application, the foreign body will be appointed and recognized by JAKIM for the period of two (2) years and their appointment will be listed on JAKIM's website as a recognized Foreign Halal Certification Body. At this stage, the responsibility of the Certification Body is very important to ensure the role of the recognized halal certification body is to oversee the halal status in the plant and this role does not mean to hand over the responsibility of the Malaysian authorities. It only entails the following:-

- The certification body shall take the responsibility of ensuring that the Halal products to be exported to Malaysia are in compliance with MS 1500:2009 and other Malaysia's requirement.

- The certification body must submit to JAKIM an audit report on the plants under its supervision in every six months.
- The certification body shall inform JAKIM any changes regarding the plant monitored.
- The certification body shall inform JAKIM any changes in the organisation including the halal certification procedures.
- The certification body shall responsible to submit a six-month report on its monitoring and audit activities of the plants concerned.

V. LEGAL EFFECT ON THE MANIPULATION OF HALAL LOGO

The enforcement of relating to expression “Halal” implemented under the Trade Descriptions Act 2011, Trade Descriptions (Definition of Halal) Order 2011, Trade Descriptions (Certification and Marking of Halal) Order 2011. This Act covers protection to traders / consumers from unhealthy trade practices and Halal is the one which is protected under this Act.

Due to the developing interests and needs towards Halal certification to be recognized and reliable, there will be certain issues regarding the manipulation and misuse of the certification. According to the Trade Descriptions Act, anyone who violated the Act will be considered as committing an offence upon conviction. The amount of fine imposed is not exceeding RM1 million (USD300, 000.00) or imprisonment for a term not exceeding 3 years or both. For a corporate body, the fine is not exceeding RM5 million (USD 1.6 mil.).

Trade Descriptions (Certification and Marking of Halal) Order 2011 only provides for the Department of Islamic Development Malaysia (JAKIM) and the Islamic Religious Council of the States (MAIN) respectively appointed as the competent authority to certify that any food, goods or services in relation to food or goods is lawful under the Trade Descriptions (Definition of halal) 2011. Thus, for the violation of the Trade Description (Certification and Marking of Halal) Order 2011, if it is committed by a person, then, upon conviction, he/she shall be liable to a fine not exceeding Malaysian Ringgit 100,000.00 (USD30, 000.00) or imprisonment for a term not exceeding 3 years or both while the penalty for a corporate body who commits the same offence is a fine not exceeding Malaysian Ringgit 250,000.00 (USD 77,000.00). The most important part is, the certified Halal is produced by the competent authority as JAKIM and marked with Halal certified



Figure 1: Source: Halal Malaysia Official Portal

and recognized logo issued by JAKIM. Below is the original and authorized logo of Halal produced by JAKIM in compliances with the procedures to have a better coordinate and efficiency of Halal.

Halal logo refers to the logo issued by JAKIM/ JAIN/ MAIN and contains:

- An eight (8) cusp star at the center of a circle.
- The Arabic word – “**حلال**” at the center of the star.
- The word “HALAL” in Roman alphabets below it.
- The word “Malaysia” written in Roman alphabets and **مَالِيسِيَا** in Arabic within the circle of the logo.
- Two small five cusp stars are positioned to separate the Roman alphabets from the Arabic word mentioned

Thus, in order to overcome any abuse, manipulation and misleading of the use of Halal, the Ministry encourages people to lodge a report of any abuses concerning the misuse of “halal”, false or misleading so that actions can be taken against them. Muslims as a public are the contiguous consumer to consume the Halal product and possible to identify the issue of Halal. They have to take action to penalize those who are ignorance of the law by reporting it to the authorities such as JAKIM. According to Zakaria, Z. (2014), Malaysia is the only country that has the ability to penalize any misuse and violation of Halal as provided by Trade Description Act 2011. It therefore stresses that the Halal issue is actually mandated by the government to JAKIM as major authority body to handle the Halal issue in order to prove the needs of such recognition and reliability of the Halal logo itself.

VI. CONCLUSION

It is a belief that by using the Halal logo clearly shows its certification of the said Halal. The issuance of Halal certification plays important role to the Muslims in consuming any product as it based on the belief of Muslim towards the use of Halal certification itself. Halal label will provide better choices to the Muslim without any suspicion. Thus, to avoid any suspicion and doubtfulness among Muslims, it is important for the government as an authority to play the role in ensuring the implementation and enforcement of the legal procedures before the issuance of Halal logo certification especially to the non-Muslim traders in applying for the Halal recognition. Malaysian reputation as Halal hub center has to be handled with a serious mean by the competent authority. In addition, the legal enforcement and regulation have to be controlled and monitored as its concerned to Halal label to be recognized and reliable.

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