

HALAL FOOD REGULATIONS IN MALAYSIA: CONCEPT AND COMPLIANCE

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Islam demands Muslims to opt the good and the best in every facet of life including for food consumption. Generally, everything is halal to eat. However, there are certain prohibited food provided by the Syariah law. For this purpose, Islam has outlined the rules and regulations for food consumption. Further, this permitted food must not only be halal, but also toyyiban. This article highlights the rules and regulations pertaining to the halal and prohibited food. This article then elaborates the element of 'toyyiban', another requirement beside 'halal'. Finally, it explains whether the concept of halal under the Malaysian law is in conformity with these Islamic rules and regulations. To achieve this objective, a qualitative analysis will be made to the relevant rules. This article concluded that the concept of halal applied by the Malaysia authority is in line with the Syariah rules. However, to ensure that the food is toyyiban also needs an extra awareness by each of muslim individual.

Keywords: Challenges, Domestic Violence, Law, Malaysia

I. INTRODUCTION

The Arabic word Halal means permissible, allowed or lawful per Islamic law. In English, it frequently refers to food that is permissible according to Islamic law. In the Arabic language, it refers to anything that is permissible under Islam. Its antonym is Haram. This means that for any item to be considered Halal it must comply with the religious ritual and observance of Shariah law. This concept is known as "Halalan Toyyiban". There are some other things which are not clearly stated as Halal or even Haram. Such questionable or suspect items are referred to as doubtful or questionable items. The term Halal when used as a trade description, it indicates that Muslims are permitted to consume the item. The item (Trade Description Order, 2011):

- a) does not comprise any piece of or thing from creatures that are denied to Muslims by Shari'a Law;
- b) does not contain any fixing that is viewed as polluted in Shari'a Law;
- c) is not arranged, prepared or produced utilizing equipment or utensils that are not free from debasements as characterized by Shari'a Law;
- d) in the preparation, processing or storage of the item, it is not processed or stored near any kind of item that does not meet the requirement of para (a), (b) or (c) or any substances that are considered impure by Shari'a Law.

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In this earthly life, earning for living is a mutual and common instinct for all living creatures. Allah has created human being as his Khalifa. Human being is ordered to earn for a living as a way and means of life to be able to comply and practice accordingly to the purpose of his creation and his presence on the earth where animals and other living creatures are just living to serve and ease man's life. There no divine obligations upon animals. Hence, to fulfill this obligation and to be a good vicegerent, one must consume only the halal and toyyiban food.

II. THE CONCEPT OF HALALAN TAYYIBAN IN SYARIAH LAW

A literature review related to the concept of halalan tayyiban is essential for the formulation of the basic framework for determining halal food in Malaysia. To get a clear understanding of this concept, the discussion in this section focuses on the two basic words, namely halal and haram that form the concept of halalan tayyiban. Linguistically, halal is defined as something that should be allowed and cannot be punished if it is conducted. It is defined as permitted, allowed, lawful and legal (Mohammad, 1993). In short, it means anything that is not prohibited and it is lawful, particularly food and meat from animals that have been ritually slaughtered.

Haram is the antonym of halal haram as something that should be avoided by the Muslims, and committing the act of haram is sinful and immoral. The word haram also refers to anything that must be avoided as stipulated in the rule of Islam. The basic principle is that, all things created by Allah are halal, with few exceptions that they are haram. The principle also applies to food. Foods that were explicitly forbidden in Islam are:

- Pork
- Food slaughtered in the name of anyone other than Allah Almighty
- Carrion i.e. the carcasses of dead animals
- An animal that has been beaten to death, strangled, killed by fall or devoured by another animal for prey
- Blood and all its by-products were not considered edible in Islam and Muslims were explicitly forbidden from consuming it.

While the term toyyiban means good, tasty, delicious, sweet, pure, clean, and uncontaminated by things that are makruh (Ibn Manzur, n.d; al-Ghazzali, n.d). The command to select halal food and toyyib is available in several verses of the al-Quran, and one of them is surah al-A'raf (7) verse 157. The word toyyiban has four main elements:

- i) The content of the food is from the source that is halal, not haram;
- ii) The food is clean and does not have any kind of impurities;
- iii) The food does not cause any pain or misery to the people who consume it; and

- iv) The food consists of elements that are nutritious and beneficial to the people who consume it.

In this regard, Sazelin & Ridzwan (2011) suggested for the need to combine the concept of *toyyib* and *halal*. This suggestion is consistent with the understanding of Islamic scholars, such as al-Qurtubi, al-Suyuti, Ibn 'Ashur and Ibn Kathir. It is also based on the command from Allah s.w.t. that mankind should choose foods that have the features of *halalan toyyiban*.

Here, the concept of *halalan toyyiban* considers all the physical and spiritual advantages of the food to the humankind. In this regard, *halalan toyyiban* can be interpreted as foods that are permitted to be consumed (*halal*) and can give benefits to the human body. In other words, food that is classified as *halalan toyyiban* is the food that fulfills the two criteria: firstly, the food is *halal* and taken from a *halal* source, and secondly, the food is a quality food as it provides benefit for those who consume it. Food that does not have these two criteria is not classified as *halalan toyyiban*, hence it should be avoided.

Hence, the application of the concept of *halalan toyyiban* indicates that the determination of *halal* food encompasses both the tangible and intangible aspects of the food: The food identified as *halal* must be in good quality, hygiene and safe to be consumed. Further, this *halal* concept is applicable from the initial preparation of the food until its final production. This includes the process of preparation, manufacturing and distribution of the food until it is served to the customers. The concept of *toyyiban* does not only mean that the food must be *halal*, good, delicious, tasty and pure only. It also means that the food must be beneficial to the body and does not cause any harm. Further, what is beneficial for the body is also beneficial for the human's mind and soul. Further, Sazelin & Ridzwan (2011) stated that the good quality food bounded by Islam has a strong relationship in developing good quality human capital.

Clearly, the selection of food based on the concept of *halalan toyyiban* outlines that a *halal* food does not necessarily mean that they are free from illegal raw material, such as pig or unslaughtered livestock. *Halal* and *toyyib* foods should be viewed from the aspect of its complete supply chain starting from the farm to the dinner table which includes the food processing and preparation, ingredients and cleanliness. Throughout the process, it is important to ensure that the food does not contain any illegal substances or it is contaminated by harmful products which may be harmful to the human's life and health.

From the explanation above, the concept of *halal*, in relation to food, basically encompasses the tangible aspect. Everything is edible except forbidden by Allah in certain Quranic injunctions or hadith, or due to other reasons. While *toyyiban* refers to the intangible aspects. It goes further than the concept of *halal* itself. Hence the food does not only need to follow the basic rules of *halal*, but goes far as it also must be 'clean', quality and safe. Below, the article will analyse the *halal* certification in Malaysia whether it complies both the concept *halal* and *toyyiban*.

III. HALAL CERTIFICATION BY JAKIM

The responsibility to check the halal standard in Malaysia vested on the Malaysian Department of Islamic Development (JAKIM), under the Prime Minister's Department. As a muslim country, Malaysia introduced a comprehensive standard for halal products through Malaysian Standard: Halal Food-Production, Preparation and Storage-General Guidelines, known as MS 1500:2004, revised 2009. Besides that, JAKIM has released Malaysian Halal Certification Procedures Manual containing rules which must be complied to by manufacturers, producers, marketers and sellers in the halal food industry. While under section 28 and 29 of the Trade Description (Certification and Marking of Halal) Order 2011, JAKIM is appointed as the sole issuer of halal certificates for any food, goods or related services in the country. Hence, JAKIM will issue the halal certificate to those products that have undergone a strict inspection in order to ensure the compliance with the relevant rules and procedures laid down under the law.

In fact, the halal laws are embodied in several legislations include:

- the Trade Description Act 2011; The enforcement of law relating to expression "Halal" lies under these Act and the term "Halal" is one trade description for the purposes of this Act. Hence, Muslim are protected under this act by providing clear guideline for halal food and next, JAKIM will issue halal certificate for food complying this guideline. Therefore, the certification enables muslims to select goods without doubt in their halal status.
- the Poison Act 1967: The law ensures the food is safe and not poisonous, intoxicating or hazardous to health.
- Control of Drug and Cosmetic Regulation 1987; The act is responsible for the registration, licensing and surveillance of all cosmetic products. So, the vitality of halal notion in covering the entire aspect is burdened upon several and specific agencies, means that besides considering on sourcing effort in obtaining halal ingredients, manufacturing procedure, storage, packaging and logistics are important as well.
- The Food Act 1983 and Food Regulations 1985; The act protect consumers by ensuring that the supplied food does not contain any dangerous substances. Here, the law will ensure the correct labeling, hygienic practice and food safety enforced by the Ministry of Health.
- The Customs Act 1967, Customs (Prohibitions of Import) Order 1998, regarding the import of Halal meat
- Trade Marks Act 1976;
- The law protects consumers from any illegal use or manipulation of the halal logo.

In addition, the Consumer Protection Act 1999 and the Penal Code also helps consumers for any misleading and deceptive conduct, false representation and unfair practice. The law also protects consumers against any illegal conduct of fraud that lead to misinformation. Hence, there is no specific one legislation governing the halal law in Malaysia. In line with this, a framework for determining halal food based on the concept of halalan toyyiban has been developed. The standard references used by JAKIM, namely the Malaysian Standard MS 1500, MS 1480, MS 1514, Halal Food Manual Procedures, Food Acts 1983 and Food Regulations 1985. The application of halalan toyyiban was embodied in this framework.

The Trade Descriptions (Definition of Halal) Order 2011 stated that when a food or goods described as halal or described in any other expression to show food or other goods that can be consumed or used by the Muslims, the expression means food or other goods that:

- is not and shall not consist of or contain any part of an animal or thing prohibited by Islamic law for muslims to eat or not slaughtered according to Islamic law
- does not contain anything that is unclean according to Islamic Law
- not intoxicating according to Islamic Law
- does not contain any part of a human limb or product thereof which is not permitted by Islamic law
- non-toxic or injurious to health
- has not been prepared, processed or manufactured using any fecal contaminated equipment in accordance with; and
- shall not in the course of preparing, processing or storing contact, mixed or near any food that fails to satisfy paragraph (a) and (b).

Further, 'unclean' in (b) above is defined as 'najis' (JAKIM, 2009). Najis was interpreted under Syariah law as:

- Dogs and pigs and their decedents;
- Halal food that is contaminated with things that are non-halal;
- Halal food that comes into direct contact with things that are non-halal;
- Any liquid and objects discharged from the orifices of human beings or animals such as urine, blood, vomit, pus, placenta and excrement, sperm and ovo of pigs and dogs except sperm and ova of others animals; (Note: Milk, sperm and ova of human and animals except dog and pig, are not najis)
- Carrion or halal animals that are not slaughtered according to Shariah law; and
- Khamar (such as alcoholic beverages and intoxicant) and food or drink which contain or mixed with khamar

It could be deduced by saying that when foods or goods are described as halal or are described in other expression to indicate that the food can be consumed or used by Muslim people, such expression means that the food or goods has followed the requirements that has been imposed by the Islamic law on foods and goods accordingly to the Trade Description (Definition of Halal) Order 2011.

The procedures adopted by JAKIM to determine halal food are based on relevant standards, manual procedures and acts related to halal food, which are published by several bodies in Malaysia, such as the JAKIM itself, Department of Standards Malaysia, Institute of Islamic Understanding Malaysia and Malaysian Institute of Industrial Research and Standard (SIRIM). These standards are used as guidance by JAKIM when issuing the halal food certificate.

- Malaysian Standard MS 1500:2009 Halal Food – Production, Preparation, Handling and Storage General Guidelines (Second Revision);
- Malaysian Standard MS 1514 :2009 Good Manufacturing Practice (GMP) For Food (First Revision);
- Malaysian Standard MS 1480:2007 Food Safety According to Hazard Analysis and Critical Control Point (HACCP) System (First Revision);
- Manual Procedure of Halal Certification Malaysia; and
- Food Acts 1983 and Food Regulations 1985 Malaysian halal food standard MS 1500 which was revised in 2004 and 2009 is proven to be the widely accepted standard by the Organization of Islamic Countries (OIC). This is due to the fact that Malaysia is a Muslim country which practices the standard of halal in a very strict manner, and has been cited as the best example in the world in terms of justifications of halal food by the United Nations (Zulkifli, 2007; Winai & Jongjit, 2006).

This standard prescribes practical guidelines to prepare and handle halal food starting from the selection of raw materials until its distribution and marketing activities for the food industries. It has become the basic requirement for food production process in Malaysia (Zakiah *et al.*, 2014). It involves specific procedures for slaughtering, processing and other related operations as prescribed by the Islamic law. It also certifies raw materials, ingredients and products based on quality, sanitary and safety considerations and serves as a basic requirement for food products and food trade or business in Malaysia (MS 1500, 2009; Lokman, 2005).

To strengthen its application, the standard MS1500 should be used together with other standards related to food, such as the MS 1480 Food Safety and MS 1514 Good Manufacturing Practice. Both the Malaysian Standard MS 1480 and MS 1514 Good Manufacturing Practices (GMP) describe the requirement for food safety during its preparation, processing, manufacturing, packaging, storage, transportation, distribution, handling or offering for sale or supply in any sector of the food chain (MS 1480, 2007). The MS 1514, on the other hand, focuses on the

food chain from the incoming materials to the customer. Hence, it is necessary to set hygiene conditions for producing food, which is safe and suitable for consumption in the food manufacturing (MS 1514, 2009). In terms of its application, both standards should complement each other, while at the same time they also must refer to Food Acts 1983 and Food Regulations 1985.

The Manual Procedure of Halal Certification Malaysia was published by JAKIM in 2005. It is a complementary document to MS 1500, MS 1514 and MS 1480. This manual covers the application procedure, inspection, monitoring and enforcement of halal food. It is used as guidelines to co-ordinate the implementation of halal certification activities in Malaysia at JAKIM's federal level and states and provides the basic principles to be adopted by every halal certificate holder in Malaysia. The issuance of halal certificate is only made upon the applicant's compliance to all standards listed and requirements in the manual (JAKIM, 2005). In Malaysia, the process of halal food certification begins when the manufacturers or food industries submit their application to JAKIM. The applicants need to provide the details of ingredients, name/s and address of manufacturer/s or supplier/s of ingredients, original halal status of ingredients such as the halal certificate from the recognized Islamic bodies or product specification, manufacturing processes and procedures, such as HACCP and GMP. To receive the halal food certification, applicants must comply with all the guidelines underlined in halal food standard, GMP standard, HACCP standards as well as the manual. Besides undergoing interviews conducted by the shariah auditors and technical auditors from the Department of Halal Hub JAKIM, applicants may also need to refer to the following five main agencies involved in halal food certification.

From the above definition, the concept of halalan was materialised by JAKIM through the legislations and procedures. It can be observed that the definition abovementioned can be categorised to either product-based or process-based. For product-based category, the halal food is not allowed to be combined or fixed with non-halal materials. While for the processed-based category is more concerned with the method of preparation and identity of those who prepare the food. In other words, for a company to claim their products are halal, it means that their product also does not contain any najis and also their process of preparation, processing, packaging, storage and preparation do not have a direct contact with the haram materials. Moreover, the animals also have to be slaughtered by a muslim and based on the methods permitted by the Syariah law (JAKIM, 2001). The standardisation of the meaning of halal food by JAKIM has minimised the different interpretations among Muslim society in Malaysia.

Nevertheless, the certification by JAKIM and the surveillance was made in made through the judgement after physical examination of the premises and products. JAKIM also examined only the physical substances used by the manufacturer. The concept of *toyyiban* goes beyond that. The food that is *toyyiban*

must also purifies mind and soul. Possibly, there is something that JAKIM cannot examine, something which is beyond their sight. For example, the origins of the used substances in detail.

IV. CONCLUSION

Based on the concept of halalan toyyiban and the general principles above, a framework to determine halal food has been formulated. The framework takes into consideration both the physical and spiritual aspects of the food, which are derived from the concept of halalan toyyiban. It will be used as a benchmark to make comparison to the standard reference of halal food adopted by JAKIM.

In respect of food items halal covers transparent substances and safeties where food and premises must be clean and jerk, closet, well-taken care of, served properly and come through a standard quality (Amat, 2006). In respect of industry, halal concepts provides opportunities for all either Muslim or non-Muslim businessman. It developed segment in light of the huge potential of the market. Therefore, the halal food is more popular nowadays and the halalan toyyiban concept is considered a new tool for marketing. However, to tap this remunerative market, business enterprise must realize and appreciate the halal requirement and its religious and scientific basis (Yaakob, 2009). Hence, it is important to confirm that to get the Halal certificate there is a rigorous and comprehensive procedures. The adopted procedure will than guarantee authenticity and the integrity of the certificate (Mian, 2003).

The halal industrialization has a great potential to become leading contributor to the overall economy. Presently the involvement of business in Halal business are increasing with the huge market part worldwide. Halal business is based on the Islamic principles, the main objective is to protect Muslim consumers from taking and using non-halal products that might bring negative impacts to their lives. Further, Malaysian government has decided for Malaysia to be the halal center or halal-hub in the region as well as international.

To a certain extent, regarded as a guarantee that the food consumed is not only safe, but also halal toyyiban. One should follow the model of halal standard with a holistic concept according to Islam. All components of the halal food must be from halal sources that have been handled, packed and stored properly in strict accordance to the Syariah. Hence, this will ensure all ingredients of food and processes involved 'from farm to fork' are halal and permissible to all Muslims.

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