

Application of *Halalan Tayyiban* in the Standard Reference for Determining Malaysian *Halal* Food

Sazelin Arif¹ & Safiah Sidek¹

¹Centre for Languages and Human Development, Universiti Teknikal Malaysia Melaka, Malaysia

Correspondence: Sazelin Arif, Centre for Languages and Human Development, Universiti Teknikal Malaysia Melaka, Hang Tuah Jaya, 76100 Durian Tunggal, Melaka, Malaysia. Tel: 606-331-6924. E-mail: sazelin@utem.edu.my

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Abstract

The increase number of cases on the misuse of *halal* logo and questionable status of *halal* food has raised many concerns among the Muslim consumers regarding the status of *halal* food in Malaysia. The various reports on the issues of fraud in *halal* food also indicate that there are weaknesses in the procedure of determining *halal* food. In this case, an investigation on the procedures and standard reference used by the Department of Islamic Development Malaysia (JAKIM) to determine *halal* food in Malaysia needs to be conducted in order to gain the consumer's trust and confidence on JAKIM's logo. This study advocates that the concept of *halalan tayyiban* should be used as the framework to determine *halal* products as it considers both the physical and spiritual benefits of the food to mankind. So far, it has not been proven that the standard references used by JAKIM are consistent with this concept. Specifically, this study aimed to investigate the application of *halalan tayyiban* in the standards and procedures used by JAKIM to determine *halal* food in Malaysia. For this purpose, a framework for determining *halal* food based on the concept of *halalan tayyiban* has been developed. Four main 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 were then analysed based on the developed framework. Additionally, semi-structured interviews were conducted with selected key personnel from JAKIM to verify the application of *halalan tayyiban* in the procedure of issuing *halal* food certification. This study revealed that the standard references used by JAKIM were consistent with the concept of *halalan tayyiban*. The practice taken by JAKIM's personnel to issue the *halal* food certification also conformed to the concept of *halalan tayyiban*. It can be concluded that JAKIM has applied the concept of *halalan tayyiban* in determining *halal* food in Malaysia. These findings help to improve the consumers' confidence on the food determined as *halal* by JAKIM. They also contribute to development of the well-being and sustainability of a community, especially the Muslim community.

Keywords: *halalan tayyiban*, *halal* food certification, Malaysian standards

1. Introduction

1.1 Background of the Study

Islam has outlined specific guidelines for its people when making decision on which food and drink to be consumed. In general, foods identified as *halal* are permissible to be consumed, whereas foods identified as *haram* should be avoided by the Muslims. The guidelines to determine *halal* food are based on the concept of *halal* and goodness (*tayyib*) which refers to clean, pure, safe, harmless and high quality (al-Qurtubi, n. d.; al-Tabari, n. d.; al-Suyuti, 1990; Ibn 'Ashur, 1984). In al-Quran, the term *halal* is frequently expressed by the term *al-tayyib* or *al-tayyibat*, as stated in surah al-Baqarah (2) verse 168, surah al-Ma'idah (5) verse 88, surah al-Anfal (8) verse 69 and surah al-Nahl (16) verse 114. These verses clearly explain that any food considered *halal* must conform to the conditions expressed in the meaning of *halal* and *tayyib* (Sharifah Zannierah et al., 2012).

Halal food in Malaysia is determined based on the issuance of *halal* certificate by the Department of Islamic Development Malaysia (JAKIM). Generally, JAKIM is entrusted with the responsibility to issue of the *halal* status for local products, foreign manufacturing and processing plants intending to export their *halal* products to Malaysia. Besides JAKIM, the State Islamic Religious Department (JAIN) and State Islamic Religious Council

(MAIN) are given the authority to issue the *halal* certificates for domestic market (JAKIM, 2012). The issuance of *halal* food certificate involves several procedures performed by the syariah and technical auditors from JAKIM. According to JAKIM (2012), the responsibility to determine the *halal* status of the products involved not only on the official site inspection of plants, but also the examination on how the *halal* status of the raw material is maintained and monitored at all times. It also requires the appointment of reputable and reliable foreign *halal* certification bodies or organizations to monitor the *halal* status of the raw materials since many raw material used in local food productions are imported products. In this case, JAKIM needs to have a standard procedure that provides a complete guide for the food operators to produce a safe and *halal* food.

In relation to the development of technology in the food industry and the ease of people's mobility across the globe, food have undergone various processes, leading to difficulties to differentiate between *halal* and *haram* food. Further, with the increase number of non-Muslims dominating the food industry, the status of *halal* food has become doubtful. In this respect, many cases of questionable *halal* food have been reported in the mass media recently. For example, the *halal* issue of Cadbury chocolates, namely the Cadbury Dairy Milk Hazelnut and the Cadbury Dairy Milk Roast Almond. It has been reported that these chocolates have pig's DNA (Utusan Malaysia, 24 May 2014), which was later disclaimed by JAKIM (Sinar Harian, 2 June 2014). Additionally, issues of the various food factories that do not comply to the Food Acts and Food Regulations have always raised concerns among the Muslim consumers. Among them are food exposed to microbiology, dyes, and flavour. The excessive use of preservatives, such as boric acid and benzoic acid are still prevalent in the manufacturing of yellow noodles, fishballs, fishcakes and flat spaggetti (Saifol, 2011). Another case related to doubtful *halal* product reported by the mass media is the use of *halal* logo. Some examples are the discovery of a dirty bread factory that uses *halal* logo (<http://www.muslimconsumer.org.my>), the use of *halal* logo on food produced from unslaughtered chicken (Berita Harian, 20 February 2008) and many others. Hidden ingredients from various sources present another serious problem for Muslim consumers (Riaz & Chaudry, 2003). The various reports on the issues of fraud in the *halal* food industry shows that there are some weaknesses in the procedure to determine *halal* food.

The instances mentioned above have led to an increasing concern on the quality and safety of the food produced in the market which may affect the consumers' confidence in consuming these foods. It seems that the food manufacturers do not seriously comply with the safety procedures during the preparation of the food. People are beginning to question the standards and procedures used by JAKIM in determining *halal* food. Further, the tendency of some food operators that manipulate the JAKIM *halal* logo for the sake of maximising their profit has become a serious issue that needs to be tackled. This incidence has also affected people's trust and confidence on JAKIM's *halal* logo.

1.2 Objectives of the Study

This study aimed to investigate whether JAKIM fully applies the concept of *halalan tayyiban* in the standard reference of *halal* food. Specifically, the research questions that this study aimed to address are:

- What are the procedures adopted by JAKIM to determine *halal* food in Malaysia?
- To what extent does the standard reference used by JAKIM to determine *halal* food in Malaysia apply the concept of *halalan tayyiban*?

This paper reports on a study that investigated the procedures used by JAKIM to determining *halal* food in Malaysia and the application of the concept *halalan tayyiban* in the standard references they use to determine *halal* food in Malaysia. To achieve this purpose, this paper is divided into five main sections. Besides the introduction as the first section, the second section describes the concept of *halalan tayyiban* and other relevant concepts which were used as the basis to develop a *halalan tayyiban*-based framework for determining *halal* food. The third section describes the methodology of this study, while the fourth section presents the findings and discussion. This paper ends with the conclusion as the final section.

2. Literature Review

2.1 The Concept of Halalan Tayyiban

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*.

The word *halal* is originated from the Arabic word, *حلا*, *يحل*, *حل* which means to set free, to let go, to dissolve and to allow or to exit from something that is illegal (*haram*) (Ibn Manzur, n. d). Linguistically, *halal* is defined

as something that should be allowed and cannot be punished if it is conducted (Sa'id Abu Jayyib, 1998). 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 (Cyril, 1989).

Haram is the antonym of *halal* (Ibn Manzur, n. d.). It is originated from the Arabic word حرام، حرماً، يحرم، حرم. This word can be understood as prohibited, forbidden, unlawful, restricted and unpermitted (Mohammad, 1993). Islamic scholars define *haram* as something that should be avoided by the Muslims, and committing the act of *haram* is sinful and immoral (Ibn Hazm, 1983). The word *haram* also refers to anything that must be avoided as stipulated in the rule of Islam. It is believed that any Muslims who commit to this act will receive punishment in the hereafter, and sometimes they may receive the punishment in the present world (al-Zuhayli, 1969).

There are specific commands from Allah s.w.t. regarding the selection of *halal* food, particularly related to the term *al-tayyib* or *al-tayyibat*. Allah s.w.t. commands His people to eat *halal* and good quality food, while at the same time avoid taking filthy food. The term *al-tayyibat* is originated from the word *taba* which 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 *tayyib* is available in several verses of the al-Quran, and one of them is surah al-A'raf (7) verse 157. In this verse, the word *al-tayyibat* is interpreted as *halal* (al-Qurtubi, n. d.; al-Tabari, n. d.; al-Suyuti, 1990), *halal* and not repugnant (Ibn 'Ashur, 1984). Another definition is *halal*, good, beneficial to the body and helpful in terms of habits and the law of Islam (Ibn Kathir, n. d.).

The word *tayyib* is also mentioned in surah al-Baqarah (2) verse 168. In this verse, al-Sharbini (n.d) claimed that the word *tayyiban* 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 *tayyib* 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 tayyiban*.

The concept of *halalan tayyiban* considers all the physical and spiritual advantages of the food to the humankind. In this regard, *halalan tayyiban* 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 tayyiban* 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 tayyiban*, hence it should be avoided.

The application of the concept of *halalan tayyiban* 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 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 *tayyiban* does not 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 (al-Ghazzali, n.d.). 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 tayyiban* 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 *tayyib* 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.

2.2 Principles of Determining Halal Food Based on the Concept of Halalan Tayyiban

The principles of *halal* and *haram* need to be considered when developing a framework to determine *halal* food. al-Qaradawi (1989) has outlined several general principles to differentiate between *halal* and *haram*. These

principles, which are outlined below provide a general guideline when dealing with issues of *halal*, not inclusive to *halal* food only:

- i. The basic *asl* (origin) is that all things created by Allah are *halal*, with few exceptions that they are prohibited (*haram*).
- ii. To make things lawful and to prohibit things is the right of Allah alone. No human being, no matter how pious or powerful may take this right into his/her own hands.
- iii. Prohibiting the *halal* and permitting the *haram* is similar to committing a Shirk (ascribing partners to God).
- iv. The basic reasons to prohibit things are due to their impurity and harmfulness. A Muslim is not required to know exactly why or how something is unclean or harmful in what Allah has prohibited. There might be obvious as well as obscure reasons.
- v. What is *halal* is sufficient, what is *haram* is superfluous. Allah prohibits only things that are unnecessary while providing better alternatives.
- vi. Whatever is conducive to *haram* is itself *haram*. If something is *haram* (prohibited), anything leading to it is also *haram*.
- vii. Falsely representing the *haram* as *halal* is prohibited. Representing lawful as unlawful is also *haram*.
- viii. Good intentions do not make the *haram* acceptable. In the case of *haram*, it remains *haram* no matter how good the intention or how honorable the purpose is.
- ix. Doubtful things are to be avoided.
- x. The *haram* is prohibited to everyone alike. Islamic laws are universally applicable to all races, creeds and sexes.
- xi. Necessity dictates exceptions.

Based on the concept of *halalan tayyiban* 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 tayyiban*. It will be used as a benchmark to make comparison to the standard reference of *halal* food adopted by JAKIM. This framework is presented in Table 2 in the findings and discussion section.

3. Research Methodology

3.1 Research Design

This study aimed to investigate the application of *halalan tayyiban* in determining *halal* food by JAKIM. To achieve this aim, the study was designed based on three research approaches. Firstly, a literature review was conducted to formulate a framework that determines *halal* food based on the concept of *halalan tayyiban*. This framework was drawn from the authorised scriptures related to this area. Further, following the Islamic approach of seeking knowledge, four main source of references have been utilised, which are the al-Quran, hadis, *ijma'* and *qiyas*. The second approach is document analysis. Based on the formulated framework, document analysis was conducted to determine the application of the *halal* and *tayyib* concept in the *halal* food certification standards. Four documents were analysed, which are the Malaysian Standard MS 1500 (2009), MS 1480 (2007), MS 1514 (2009), Manual Procedure of *Halal* Certification Malaysia (2005) and Food Acts 1983 and Food Regulations 1985 (2007). These documents are the standards, guidelines and control act imposed by the Malaysian government on activities related to food preparation in Malaysia.

Finally, semi-structured interviews were conducted in order to verify the actual application of *halal* and *tayyib* concept in the standards. For this purpose, the interviews were conducted with the experts who have been given the authority by the Malaysian government in *halal* food certification process. The respondents were selected from the shariah auditors and technical auditors responsible for the issuance of *halal* food certification. They were from the Department of *Halal* Hub JAKIM. The selection of the respondents was based on a non-randomized sampling. The interviewed respondents were also requested to suggest suitable candidates to be interviewed. Open-ended questions, such as how, what, when, where, and why were used in this study. This allows the respondents to have the comfort and confidence in giving their responses using their own words.

3.2 Data Analysis

The data were analysed based on two main approaches, namely the deductive and inductive approach. For the inductive approach, the data were analysed for the purpose of finding evidence and explanation from specific

issues related to *halal* food and the concept of *halalan tayyiban*. The deductive approach involves an analysis of the data to explain the application of the concept of *halalan tayyiban* in the standard reference of the *halal* food. Besides, a comparative approach was used to compare and sort the data by highlighted the differences and similarities between the formulated theoretical concept and the standard reference used to determine Malaysian *halal* food.

4. Findings and Discussion

4.1 Standards and Procedure to Determine Halal Food

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.

- i- Malaysian Standard MS 1500:2009 *Halal* Food – Production, Preparation, Handling and Storage General Guidelines (Second Revision);
- ii- Malaysian Standard MS 1514 :2009 Good Manufacturing Practice (GMP) For Food (First Revision);
- iii- Malaysian Standard MS 1480:2007 Food Safety According to Hazard Analysis and Critical Control Point (HACCP) System (First Revision);
- iv- Manual Procedure of *Halal* Certification Malaysia; and
- v- 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 (Mohd Amri, 2008; Sazly, 2008). 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 process. These agencies, led by JAKIM are listed according to their functions in Table 1.

Table 1. Related agencies and their functions

Agencies and Functions	Standards/Acts
<i>Halal</i> Hub Department, JAKIM	
<ul style="list-style-type: none"> • Shariah Auditors Responsible for Shariah matters • Technical Auditors Responsible for food safety 	<ul style="list-style-type: none"> • MS 1500 • Manual Procedure • MS 1500 • MS 1514 • MS 1480 • Food Acts 1983 (Act 281) and Food Regulations 1985
Ministry of Agriculture and Agro-Based Industry (MOA)	
<ul style="list-style-type: none"> • Responsible for animal health and abbotairs • Monitoring <i>halal</i> certificate 	<ul style="list-style-type: none"> • MS 1500 • Animal Rules 1962
Department of Veterinary Services (DVS)	
<ul style="list-style-type: none"> • Provides consultancy and advisory services on <i>Halal</i> livestock, issues export permit and veterinary health certificate. 	
Ministry of Health (MOH)	
<ul style="list-style-type: none"> • Responsible for food safety 	<ul style="list-style-type: none"> • MS 1500 • MS 1514 • MS 1480 • Food Acts 1983 (Act 281) and Food Regulations 1985
Chemistry Department	
<ul style="list-style-type: none"> • Responsible for food analysis 	Food Acts 1983 (Act 281) and Food Regulations 1985
Ministry of Domestic Trade and Consumer Affairs	
<ul style="list-style-type: none"> • Provides enforcement and monitoring programme. 	<ul style="list-style-type: none"> • Trade Descriptions (Use of Expression '<i>Halal</i>') Order 1975. • Trade Descriptions (Marking of Food) Order 1975.

(Adapted from JAKIM, 2012; Mohd Amri, 2008; Sazly, 2008)

4.2 The Application of *Halalan Tayyiban* in the Standard Reference for Determining Malaysian *Halal* Food

A framework to determine the application of concept of *halalan tayyiban* in the standards and practice used by JAKIM to determine *halal* food has been developed. As mentioned earlier, this framework is underpinned by the two criteria underpinning the concept of *halalan tayyiban*, which are the *halalness* of the food and the benefits of the food to mankind which emphasises the aspect of quality, safety and health. Figure 2 outlines eight criteria for determining *halal* food based on the general principles discussed by al-Qaradawi (1989).

These criteria as outlined in Table 2 are used as a benchmark to make comparison to the standard reference used by JAKIM in determining *halal* food. To facilitate the analysis, these criteria were labelled based on specific acronyms, ranging from HL 1 to HL 8. Table 3 shows the mapping of the eight criteria to the respective aspects of the standards used by JAKIM to determine *halal* food.

Table 2. Framework for Determining *Halal* Food based on the Concept of *Halalan Tayyiban*

Methods	Acronym
There is no prohibition on the food from the Quran or any source of Islam regulations based on the principle that the food is originally <i>halal</i> and pure until a holy statement states that the food is <i>haram</i> .	HL 1
The original ruling of a specific food that can be harmful to human is <i>haram</i> .	HL 2
<i>Halal</i> food must be able to preserve human's life and health, and any food that hinders this potential is considered <i>haram</i> .	HL 3
People have confidence without any doubt on the <i>halalness</i> of the food labelled as <i>halal</i> .	HL 4
<i>Halal</i> food must not contain any parts of livestock that are <i>haram</i> or considered filthy.	HL 5
<i>Halal</i> food must be slaughtered based on the Islamic law.	HL 6
<i>Halal</i> food must be clean and pure throughout the chain of its manufacturing process.	HL 7
<i>Halal</i> food emphasizes elements of blessings. Therefore, Muslims must take part in the process of preparing the food.	HL 8

Table 3. Application of *Halalan Tayyiban* in the Standard Reference to Determine *Halal* Food in Malaysia

No	Procedure	Details in the Standard Reference	Application of the <i>Halalan Tayyiban</i>
1	Definition of <i>Halal</i> Food	MS 1500:2009	<ul style="list-style-type: none"> The description of the definition of <i>halal</i> food from a) to f) in MS 1500 is consistent to the basic procedure of determining <i>halal</i> food in HL 2 and HL 3. The definition of harmful in condition c) MS 1500 is explained in the standard HACCP MS 1480:2007 in the form of technical food control.
		<ul style="list-style-type: none"> Condition a) is further explained in 3.5.1 and 3.5.2 Condition b) is further explained in item 2.4 Condition c) is further explained in items 3.5.3 and 3.7.1 Condition d) is further explained in items 3.3 and 3.5. <ul style="list-style-type: none"> Conditions e) and f) are comprehensible 	
		MS 1480:2007 (HACCP)	
		Safe food control according to HACCP in a technical way	
Food Acts and Food Regulations			
Section 13 (1) and 13A (1)			
2	Explanation on the Source of <i>Halal</i> Food and Drinks	MS 1500:2009	<ul style="list-style-type: none"> Clear explanation with different categories according to types of animal, plant, mushroom or natural mineral. Conform to the basic procedure of determining <i>halal</i> food in HL 1.
		Explained in item 3.5.1 Food Acts and Food Regulations Section 13 (1) Food Acts <ul style="list-style-type: none"> Regulation 37 Food Regulations 	
3	Assessing Document	Manual Prosedur	<ul style="list-style-type: none"> Assessment of documents is conducted in detail Conform to the principle of <i>halal haram</i> in which Islam does not only prohibit any action which may lead to a way that is clearly illegal, but also prohibits the undisclosed illegal act claimed as <i>halal</i>. This is consistent with the procedure on the
		<ul style="list-style-type: none"> Detailed examination of the declared list of items Must possess <i>halal</i> certificate for all items declared. Further explanation in items 4.5, 4.7, 6.2 	

			determining of <i>halal</i> food in HL 4 and HL 5 .
		MS 1480:2007 (HACCP) Comply with the standard HACCP	
	Food Safety	Food Acts and Food Regulations Controlled by Food Acts and Food Regulations	
4	Examination of the Premise • Assesment on the ingredients • Storage • The processing space • General Cleanliness • Guaranteed Safety • Transportation	MS 1500:2009 • Physical, chemical and biological cleanliness • Explained in items 3.2-3.4, 3.6, 3.7.1-3.7.5 MS 1514:2009 (GMP) Explained in items 4.4, 4.5.2, 4.6, 4.6.5 – 4.6.8, 5.3, 5.4, 5.4.2 – 5.4.5, 6, 6.4, 7, 8, 8.5 MPPHM Explained in item 8.3 Food Acts and Food Regulations Controlled by Food Acts and Food Regulations	<ul style="list-style-type: none"> • Procedure of the food cleanliness is completely drafted in the standard and manual. It conforms with the basic procedure to determine <i>halal</i> food in HL 7. • Procedure for food safety also conforms with one of the characteristics of <i>halalan tayyiban</i> concept and fulfills the basic procedure of determining <i>halal</i> food in HL 3.
5	Sampling and Lab Analysis	<ul style="list-style-type: none"> • JAKIM's ruling applies only to high risk food. • Cooperate with other departments on the use of labs and expertise. 	<ul style="list-style-type: none"> • Involves only high risk food and food with doubtful existence of <i>haram</i> element. • Performs supervised and controlled sampling procedure according to the <i>halalan tayyiban</i> concept. • Procedure conforms to the basic procedure to determine <i>halal</i> food in HL 4 and HL 5.
6	Determination of <i>Halal</i> Slaughter	MS 1500:2009 Explained in items 3.5.2.1 and 3.5.2.3	<ul style="list-style-type: none"> • Strict control on the use of <i>stunning</i>. • Procedure is detail and conforms with the basic procedure to determine <i>halal</i> food in HL 6.
		MS 1500:2009 Item 3.1 does not impose strict condition	<ul style="list-style-type: none"> • Confusion in the determination of the condition related to the involvement of Muslim as stipulated in the <i>halal</i> standard published in 2009 and in the MPPHM published in 2005.
7	Involvement of Muslim in the Processing of Food	MPPHM Condition in items 6.4 and 6.5 are more strict than the MS 1500:2009	<ul style="list-style-type: none"> • MPPHM has helped to complete any incomplete conditions in the standard MS 1500. • Indirectly, this explains that the condition of Muslim involvement in the processing of food is under the control of JAKIM dan this conforms with the procedure to determine <i>halal</i> food HL 8.

The combination of the four standards used by JAKIM shows evidence that the concept of *halalan tayyiban* has been applied when determining *halal* food in Malaysia. Further explanation of the application of *halalan tayyiban* in the seven aspects of standards for determining *halal* food is presented in the following section.

4.2.1 Definition of *halal* Food

The definition of *halal* food is specifically described in the standard MS 1500. It states that *halal* food must fulfill the following conditions (MS 1500, 2009):

- i- The food or its ingredients are not filthy (*najs*) according to Syariah law
- ii- The food does not contain any ingredients that are filthy (*najs*) according to Syariah law
- iii- The food is safe and not harmful
- iv- The food is not prepared, or manufactured using equipment that is contaminated with things that are filthy (*najs*) according to Syariah law
- v- The food or its ingredients does not contain any human parts or its derivatives that are not permitted by Syariah law
- vi- During its preparation, processing, packaging, storage or transportation, the food is physically separated from any other foods that do not meet the requirements stated in the above items (i-v) or any other things that have been decreed as filthy (*najs*) by Syariah law.

The condition for no iii), is further explained in item 3.5.3 in the standard MS 1500, whereby the process of handling, distribution and serving *halal* food must comply with the condition that the food or its related processed ingredients should be safe for consumption, not poisonous, not intoxicated or detrimental to human's health. Similarly, the explanation of the packaging, labeling and advertisement in item 3.7.1 in the standard MS 1500 specifies the condition that the packaging material must not have any toxic effect on the *halal* food. This is to prevent harmful effect on the *halal* food due to the exposure of toxic.

The definition of *halal* that is, it must be safe for consumption, non-toxic, non-intoxicated or non-detrimental to health is further described in the standard MS 1480: 2007. This standard describes the necessary requirements to ensure that the food security is in accordance with the Hazard Analysis Critical Control Point (HACCP) in terms of preparing, processing, manufacturing, packaging, storage, transportation, distribution and handling. The definition of *halal* food in this standard is also subjected by the Food Acts 1983 and Food Regulations 1985. The Food Acts 1983 Section 13 (1) and section 13A (1) impose a control on the food manufactured or sold identified as unsafe for consumption, toxicated and harmful to health. In general, the descriptions of the definition of *halal* food from outlined in the MS 1500 conform to criteria HL 2 [The original ruling of a specific food that can be harmful to human is *haram*] and HL 3 [*Halal* food must be able to preserve human's life and health, and any food that hinders this potential is considered *haram*].

4.2.2 The Source of *Halal* Foods and Drinks

The standard *halal* MS 1500: 2009 3.5.1 explains in detail the sources of *halal* food and drink. This description is divided into several categories, namely animals, plants, fungi and micro-organisms, natural minerals, chemicals and drinks. Animals are further divided into two categories, which are the land and aquatic animals. The types of land and aquatic animals are clearly explained in items 3.5.1.1.1 and 3.5.1.1.2 in MS 1500. Further, item 3.5.1.7 in the standard MS 1500 states that dangerous aquatic animal or plant can be *halal* if the toxin or poison from the plants and animals have been discarded during the food processing as permitted by the Islamic law.

The control on the source of foods and drinks in *halal* food in the standard MS 1500: 2009 is also subjected to the Food Acts 1983 and Food Regulations 1985, when there is a case of misuse. This is clearly stated in Section 13 (1), the Food Acts 1983 and Rule 37, 1985 and it is in line with criteria HL 1 [There is no prohibition on the food from the Quran or any source of Islam regulations because the original regulation is that the food is *halal* and pure until a holy statement states that the food is *haram*].

4.2.3 Evaluating the Documents

Before issuing the *halal* food certificate, an evaluation of the documents submitted by the applicants is conducted. The evaluation involves examining the source of origin of the raw materials declared by the applicant. In this case, the applicant has to provide a detailed list of the source and ingredients of each of the food applied for the *halal* status. The auditor categorises the source of raw materials into two categories: 1) plant-based products, and 2) animal-based products. For products derived from plants, the source needs to be examined and

analyzed whether they are poisonous or otherwise. For products derived from animal, the way the animals is slaughtered and their food intake need to be carefully analysed. Further, the ingredients and other added raw materials need to be carefully examined to ensure that they do not have filthy substances (Sazly, 2008; Mohd Amri, 2008). This requirement is explained in the Manual Procedure of *Halal* Certification Malaysia (2005) in items 4.5, 4.7, and 6.2.

During the detailed examination of the documents, the auditor will request the applicants to secure *halal* certification for each of the raw material and ingredient declared as the content of the food. Applicants also have to provide evidence the body issued the *halal* certificate is recognised by JAKIM. This requirement applies for any related material that has *halal* certificate issued by a body from outside Malaysia, including the *halal* certificate from the abattoirs. For materials that are questionable or have unknown content specifications, applicants are required to submit samples of these materials to any accredited chemical laboratory, and then send the specification to JAKIM. There are also cases where JAKIM'S auditors themselves send the questionable product samples to the laboratory for analysis. For any seafood products that require *halal* certification, the materials used must be translated into Malay or English, certified from the National Institute of Translation (Sazly, 2008; Mohd Amri, 2008).

The examination of the document is conducted very carefully and in detail. It is consistent with the principles of *halal haram* that Islam does not only prohibit any act which may lead to a way that is clearly illegal, but also any illegal act claimed to be *halal*. This practice is also consistent with the criteria HL 4 [People have confidence without any doubt on the *halalness* of the food labelled as *halal*], and HL 5 [*Halal* foods must not contain any parts of livestock that are *haram* or considered filthy].

4.2.4 Examining the Premises for Safety and Cleanliness

The purpose of examining and inspecting the premises/factory is to evaluate the level of food safety and cleanliness. The inspection is usually conducted by both the syariah and technical auditors. For this purpose, JAKIM's auditors use two standards, namely the Good Manufacturing Practice standard MS 1514: 2009 and standard for Food Safety and the HACCP System Based on MS 1480: 2007. They also refer to the standard MS 1500: 2009 and Manual Procedure (2005).

The GMP Standard MS 1514 provides guidance for determining *halal* food starting from its raw material to finished food served to consumers. One of the reasons for this practice is to help the industry to achieve a higher standard of food production that meets the requirements of food safety and consumer's needs. The GMP standard is used as the criteria for the inspection of buildings and facilities, including the water supply and storage, operation control practices and procedures, maintenance and sanitation, pest control and waste management, workers' hygiene, transportation and distribution.

The HACCP standard is a system to guarantee food safety by creating measures for pollution prevention for products and processes. It involves controlling three categories of pollution, namely the 1) physical contamination, such as glass or metal, 2) chemical pollution, such as toxin, and 3) biology toxins, such as bacteria. This pollution prevention occurs throughout the flow of the food process from the acquisition, reception of raw materials, processing, transmission and use of supervision and finished goods. The forms of control to prevent contamination of the physical, chemical and biological is also described in the standard MS 1500, MS 1514 and MS 1480.

With respect to storage, as stated in item 3.6 MS 1500, auditors have to make a report dan present it to the panel of *halal* certificate, if there are things that can raise a reasonable doubt and lead to element of doubtful (*syubhah*), such as storing the *halal* and non-*halal* foods in the same store or refrigerator. The panel will then decide the approval of the application. The Food Acts 1983 and Food Regulations 1985 should also be consulted during the inspection of the level of food security and cleanliness. Food Regulations 19 and 26 prescribe that additives, such as coloring, flavoring, preservatives, food conditioner, stabilizer, anti-oxidant and additional nutrients are allowed in any food product at a certain level. When a food product is found to contain additives at a level more than the one prescribed in the Food Acts and the Food Regulations, the food product is categorized as food injurious to health and application for *halal* certificate will not rejected.

This shows that the procedure for food cleanliness has been completely designed based on the standards and manual of processed food. It conforms to the criteria HL7 [*Halal* food must be clean and pure throughout the chain of its manufacturing process]. Meanwhile the procedures for food safety conform to criteria HL3 [*Halal* food must be able to preserve human's life and health, and any food that hinders this potential is considered *haram*].

4.2.5 Sampling and Lab Analysis

The sampling procedure is done by taking samples of food and sending them to a laboratory for analysis. This procedure only involves foods that are high risks and suspicion of fraud. There are also cases when JAKIM made analysis of samples from foods that are reported possibility of *haram* by the public (Sazly, 2008). Besides obtaining the cooperation of the Department of Chemistry, *Halal* Products Research Institute (IPPH) Universiti Putra Malaysia (UPM) has also helped to implement the analysis process on JAKIM *halal* food.

In general, the procedure of the laboratory analysis involves food that has high risk and doubtful element of *haram* only. It is consistent with criteria HL 4 [People have confidence without any doubt on the *halalness* of the food labelled as *halal*], and HL5 [*Halal* foods must not contain any parts of livestock that are *haram* or considered filthy].

4.2.6 Determining *Halal* Slaughtering Process

After the source of animal is identified from the category of consumable *halal* animal, another aspect to consider is to ensure that the animal is slaughtered according to the legal conditions of slaughtering. To ensure that the ingredients derived from animal that undergo *halal* slaughtering process, shariah auditor need to collaborate with the representatives of the Veterinary Services Department (VSD) to make inspection to the slaughter houses.

The inspection of the slaughter houses involves detailed examination from various angles. A legitimate slaughtering is a process that conforms to Islamic law of slaughtering. The conditions that need to be considered are the person who perform the slaughter, the equipment used, the method of slaughtering and the ethics of slaughtering as recorded in item 3.5.2.1 from a) to o). Further, the slaughter diagram in Figure 1 to Figure 4 in MS 1500 should also be referred. The purpose of a stunning method that seeks to weaken or make the animal faint, without causing any fatality is not encouraged. However, whenever this method is used, it is recommended that the requirements as specified in Appendix A in the standard MS 1500 is followed. The cleanliness of the slaughter house needs to be preserved and the guidelines of GMP standard MS 1514 need to be followed.

The procedure of slaughtering is clear and very detailed. A diagram illustrating the procedure is also displayed in the standard to provide proper understanding of the method to slaughter animals according to Islamic law. The reason for conducting the stunning method needs to be emphasised by JAKIM in order to ensure that it is not misused. Thus, this procedure conforms to criteria HL6 [*Halal* food must be slaughtered based on the Islamic law].

4.2.7 Muslim's Participation in Food Processing

Generally, the *halal* standard MS 1500: 2009 does not set any specific conditions in the involvement of Muslims in processing *halal* food. This condition is applied based on the statement in item 3.1.1 that states "The management shall appoint a chief executive officer who is a Muslim *halal* or establish a committee composed of Muslims who are responsible for ensuring the effective implementation of control systems *halal*". This statement is followed by item 3.1.2 which states that "The management should ensure that they receive training in the principles and applications of *halal*". Nevertheless, stringent conditions related to the involvement of Muslims in food processing have been described in the Manual of Procedure of *Halal* Certification in items 6.4 and 6.5 which are also used by JAKIM as their main reference.

This manual procedure clearly specifies the requirements of the involvement of Muslim employee. It helps to enhance any incomplete conditions in the standard MS 1500. This indirectly explains that the terms of engagement of Muslims in food processing is under the control JAKIM and this coincides with criteria HL8 [*Halal* food emphasizes elements of blessings. Therefore, Muslims must take part in the process of preparing the food].

5. Conclusion

Malaysian Standard MS 1500 prescribes the practical guidelines for food industry on the preparation and handling of *halal* food in Malaysia. The determination of Malaysia *halal* food is also implemented together with other related standards – MS 1480 and MS 1514 – on food safety and food hygiene. They are, to a certain extent, regarded as a guarantee that the food consumed is not only safe, but also *halal*. 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 Islamic syariah. Hence, this will ensure all ingredients of food and processes involved 'from farm to fork' are *halal* and permissible to all Muslims. The study reveals that the concept of *halalan tayyiban* has existed in the implementation of the procedure for the determination of *halal* food in Malaysia and it has been translated in the form of application referred to the reference standard. It has provided a platform towards a large segment of definition and

understanding of the concept of *halal* food and *tayyib* in Islamic law. The findings also prove that the standards and guidelines used by JAKIM to determine *halal* food in Malaysia conform to the principles of Islamic law. Indirectly, it helps to restore Muslim consumers' confidence on JAKIM, with respect to the implementation of the *halal* standards and procedures. This study contributed to the need to maintain continuity and prosperity of the Muslim community in Malaysia.

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