

## **Halal Certification as a Modern Application of Shariah Morality: An Analysis of Malaysian Halal Standard\***

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### **Abstract**

Halal certification and its standards are said to be based on Islamic law. In Malaysia, however, the Halal certification system was formally introduced as a section in the governmental administration of industries in the year of 2000. The author has found that halal standards are based on Islamic law and federal laws as well as modern administrative rules. The author also analyses the Halal Showcase or Halal Expo. These observations indicate that halal standards form an important part of the industrial policies of the Malaysian government. Furthermore, this paper argues that halal issues are related to the Shariah morality awareness of the Muslim population. The emergence of this Shariah morality after the Islamic revival from the 1970's onward should be considered as the background for the appearance of Halal industrial policies and the Halal standards in Malaysia. As seen in the actual regulations, Islamic law itself is not a monolithic body of rules, but a complex mass of different levels of legal interpretations. Through these analyses, this paper provides a new insight for our understanding of Halal certification.

### **Introduction**

The 'halal industry,' with the increasing demand for halal products by Muslim consumers in recent decades, has developed into a global economic force. The word *halal*, a Malay word, and *ḥalāl* in Arabic, is a term in Islamic Jurisprudence that refers to what is 'lawful' or 'permissible' while the opposite is *haram* (*ḥarām* in Arabic), the 'prohibited' or 'unlawful.' Therefore, the halal products manufactured by the halal industry have a dual aspects of observing the legal sanctions of the Islamic law and appealing to the consumers' preferences stemming from their religious morality.

The trade value of halal products in the global market reached a total of \$254 billion in 2018 [Dinar Standard 2019: 4]. These days, many companies, not only from Muslim countries but also from non-Islamic countries have entered the halal food industry, and the halal trade is expanding globally. KFC, Nestle, McDonald's and Starbucks, to name a few among the global trademarks familiar to ordinary consumers, are among the leading companies in this respect.

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As the halal industry grows on a global scale, the number of halal certification bodies has been increasing around the world. Malaysia is one of the leading GIEIs (Global Islamic Economy Indicators) among the member countries of the Organization of Islamic Cooperation (OIC) along with the UAE (United Arab Emirates) [Dinar Standard 2019: 14]. Since the halal industry and its products ought to be in conformity with the rules of Shariah / Islamic Law, the proliferation of such bodies must be taken for granted.

In this article, I analyse the Malaysian halal standard (halal certification rules) and report the findings from my fieldwork on the Malaysia International Halal Showcase (MIHAS). First, I show the current institutions for halal certification in Malaysia to position them within what I call the ‘Global Halal Movement.’ Second, I review the Shariah morality of the Muslim population toward halal issues. Third, I present a new perspective on Shariah in the contemporary contexts through the lens of halal issues. By issuing its Halal standard in 2000, the halal industry in Malaysia started in earnest in this period.

The halal industry follows the general principle that all things that are not prohibited in the Shariah are halal. However, modern industries are complicated so that the raw materials being halal is not a guarantee of halal-ness of the final products. In the halal certification system, it is vitally important to consider whether a product is halal in all processes, such as slaughtering procedures, for animal meat and its by-products, transportation routes, and storage conditions, without any possibility of contamination by non-halal products during these processes.

Islamisation of food products in Malaysia started around 1980, when the effects of the emerging Islamic revival started to be felt. The establishment of a contemporary halal standard, the concept of which will be later accepted by other Muslim countries, requires authentic Islamic rulings by approved scholars based on Shariah. With this in mind, the halal certification standard was established in Malaysia in the 2000s.

Since then, the number of academic research articles and industry reports in this regard has increased. However, most of them hold to the simplistic view that the elimination of pork and pork-related products is equivalent to being ‘halal’ based on the Qur’anic ruling. However, In the halal certification system, it is essential to take into account all the production processes in today’s complicated modern manufacturing procedures.

Halal studies, or research related to Halal issues, can be divided into four categories. The first one concerns the primary sources of Islamic law (the Qur’ān and Sunna) which contain rules on food; notably, this involves the fields of Islamic studies and historical studies. Next is the study of halal interpretation by Islamic jurists, which is often seen in Islamic law studies [e.g. Kamali 2013; Qaradawi 2013]. Then, there are studies on Muslim consumer behaviour, many of which are found in cultural anthropology [Fischer 2008; 2011; Sai 2013; Arata 2017]. Finally, there are economic and industrial studies focusing on halal certification

systems. Previous studies in the last category have analysed certification standards issued by certification bodies [e.g., Ireland and Soha 2011; Latif et al. 2014; Sai 2014; Tomizawa 2019; Yamaguchi 2019]. Regarding certification standards, it has been pointed out that their structure includes both Islamic law and scientific perspectives.

While some of the studies related to Halal issues or the Halal industry recognize the importance of Islamic law, their understanding of Islamic law is often ambiguous. In particular, there is some confusion over the terminology of Islamic law. The dichotomy between ‘halal’ and ‘haram,’ or the permitted and the prohibited is well known. The five major categories of Islamic rules, or ‘*al-aḥkām al-khamsa*’ are also well known. They are *wājib* (obligatory), *mandūb* (recommended), *mubāḥ* (neutral/permissible), *makrūh* (disliked/recommended to avoid), and *ḥarām* (prohibited). Many previous works have reported that in Islamic jurisprudence, halal corresponds to the first four categories while haram relates to the last category.

However, Kosugi [2019] pointed out that this comparison of the two sets of terms is a wrong equation, since the two sets have different origins. He clarifies that the halal/haram dichotomy in this regard stemmed directly from the narratives of halal/haram in the Qur’ān and Hadith. On the other hand, the five categories developed as a system of differentiation over the centuries by efforts of specialists in Islamic jurisprudence. Moreover, while the dichotomy of halal/haram refers to things and occurrences, the five categories are of human actions. So, pork as a food item is haram (prohibited), that is, uneatable, but the human action of eating pork may become permissible under certain conditions where there is no other choice, and not eating it would harm life, which is more serious than the prohibition of pork as food. According to another example cited by Kosugi, while water itself is always halal, the act of drinking water can actually be *wājib* (obligatory) to maintain life, *mandūb* (recommended) when one breaks his/her fasting, *mubāḥ* (permitted/free to choose) under normal circumstances, even *ḥarām* (prohibited) during fasting. Based on this argument, Kosugi concluded that the usage of these terms differs depending on whether they refer to the object itself or human action toward it and that it is important to keep in the mind the difference between the two sets of terms.

### **Shariah Morality in Malaysia**

The Islamic revival on a global scale in the 1970s was an important starting point for the Global Halal Movement and the subsequent appearance of a Halal certification standard and its global expansion. Before the revival, the influx of secular and modern ideas replaced Islamic traditions with a modern life based on these modern ideas. In other words, there had been a decline in the prominence of Shariah law in Islamic countries, and Islamic values were gradually weakened.

Parallel to this, the adoption of a Western legal system by Muslim countries has put

them into a complicated legal situation, since the Islamic and Western systems are based on quite different foundations. This complexity may be observed in most Muslim countries. In Malaysia, there are roughly three types of laws within the current legal system of the country. One is the law established by the federal government as a modern government. The national law stipulates laws related to governance, administration, diplomacy, policing and defense, and the economic and fiscal structures of the country. The second is the Shariah Rules. In the case of Malaysia, the Sultans are the arbiters in the affairs related to the Shariah, which is outside of the jurisdiction of the Federal Government. Most importantly, Muslim marriages and divorces are carried out in such a way as prescribed by Shariah under the authority of Sultans and the Islamic jurists in each state. On the other hand, though not clearly defined, there is also a Shariah morality that individuals Muslims hold in their society. For example, a Muslim would pay a zakat portion out of his/her property for the sake of the poor. It is an obligation upon him or her according to the Shariah. However, a modern secular government and its laws usually consider it part of the private affairs and leave it to individual freedom. For a Muslim, both abstaining from committing crimes (or, what the Shariah says is a crime) and paying zakat stem from Islamic teachings and they feel an obligation to observe both. However, crimes are punishable by a federal law but zakat belongs to religious morality in the modern understanding. It was very much so in Malaysia before the Islamic revival.

The same can be said for Islamic banking. Until the introduction of Islamic banking in the 1970's, all banks in Muslim countries were dealing with *riba* (interest), prohibited by the Qur'ān. Some of the Muslims didn't use banks for this reason in those days, and they became new customers for Islamic finance when the so-called Islamic banks started their operations. In the Shariah context, taking *riba* is prohibited, just as a stealing is prohibited. In a modern secular society, however, the *riba* problem belongs in the realm of personal creed, and was not a legal affair, even in the Islamic world, until Islamic banking offered an alternative.

A parallel can be drawn between the case of Islamic banking and the Halal industry. Once it was largely the individual responsibility of each Muslim whether they stuck to Halal food or not. When left to each individual, the choice of food, or how strictly he or she wishes to observe Islamic regulations on food, belonged to the realm of individual ethics or religious morality. Different people had various perceptions of halal, and the dietary life in relation to halal products was at the discretion of the individuals. This is an aspect of 'Shariah morality,' and it started to have a social force when the Islamic revival started, and when governments in Malaysia or elsewhere found it convenient to appeal to such morality to gain support for the rulers.

It can be inferred from the complex set of existing laws and morality that the strengthening of Shariah aspects and Muslim moral norms was promoted by the Dakwah movement that emerged in Malaysia in the 1970s. The meaning of 'Dakwah' in Malay is 'to invite'; specifically, Dakwah is the 'General Malaysian term for missionary work,

proselytization, and Islamization. Specifically it refers to the political Islamist movement that emerged in the 1970s through the activities of youth organizations' [Oxford Islamic Studies Online]. The results of the Dakwah movement became discernible in Malaysia in the late 1980s [Osman 2017: 3]. As claimed by numerous studies, the Dakwah promoted the rigorous checking of food to determine whether it was halal or haram and urged people to wear Islamic clothing [Mutalib 1993; Tawada 2005]. The movement triggered a shift in national politics and the morality of Muslim societies as well. The political change brought by this was the expansion of the religious bureaucracy by Prime Minister Mahathir Mohamad. Further, according to Osman [2017: 8] 'Dr. Mahathir initiated a process of centralizing all Islamic initiatives under the JAKIM which was part of the Prime Minister's Office.' The religious bureaucracy continued to expand to the state level, and this expansion improved the status of *Ulama*, or the Islamic scholars whose authorities were declining under the previous secularization. The progress of re-Islamization also strengthened domestic Islamic laws and the position of Islamic courts. Furthermore, in 1988, the Islamic Court was stipulated to have the same rights as the civil court [Nasr 2001: 126]. Even before the 1970s, several Islamic groups proceeded to start the Dakwah movement [Peletz 2013].

Malaysia's characteristics as a multi-ethnic nation play an important role in the settlement of Halal certification in the country. About 60% of its population are Malay and indigenous, about 20% are of Chinese origin, 6% are of Indian origin, and the rest are foreign nationalities. Malaysia is not unified by a single language, and various notable languages such as Malay, Chinese, and Tamil are spoken. Since these different languages are spoken and written according to their ethnic and linguistic backgrounds, the Muslim residents may have difficulties, when they encounter non-Islamic items, to understand the religious connotations of these items for them.

The policy for the halal industry of Malaysia can be understood as an attempt to adapt this Shariah morality to the society by incorporating it into concrete national policies which aim at the improvement of people's empowerment and the activation of economic activities. Obviously, that is reflected in the content of the halal certification standards.

The halal certification standard is, as we will examine soon, a management rule, not a Shariah rule. However, the halal industry has been regularized on the basis of individual morality that has become prominent due to the revival of Islam. In other words, it's a consequence of Shariah rules supported by the religious morality.

### **What is the Halal Certification System in Malaysia?**

Halal certification is generally considered to have 'occurred to ensure the halal nature of food' at the present time when it is not easy to distinguish between halal and haram due to the expansion of the distribution range. Malaysia is a pioneer in building halal certification

systems, and there are halal standards rooted in countries around the world.

The main recent halal certifications in the Islamic world are the MS issued by the Department of Standards Malaysia in Malaysia; the Halal Assurance System (HAS) issued by the Majelis Ulama Indonesia (MUI) in Indonesia; the Thai Halal Standard (THS), issued by CICCOT (The Central Islamic Council of Thailand) in Thailand; the United Arab Emirates Standard (UAE.S), issued by the ESMA (Emirates Authority for Standardization and Metrology); the GCC Standardization Organization (GSO), issued by the Gulf Cooperation Council (GCC); the Singapore MUIS Halal Standards (SMHS), issued by the Majlis Ugama Islam Singapura (MUIS); and the Standards and Metrology Institute for Islamic Countries (SMIIC), issued by the Organization of Islamic Cooperation (OIC). In Malaysia, all issues associated with Islam in Malaysia should be controlled by the JAKIM. JAKIM originated in the following manner: It was established in 1968 as the National Council on Islamic Issues in Malaysia (Majlis Kebangsaan Bagi Hal-Ehwal Agama Islam Malaysia, MKI). In 1974, the MKI was transformed into a department called the Islamic Bureau (Bahagian Hal-Ehwal Islam, BAHEIS) under the Prime Minister's Office. Subsequently, it was promoted to the department (*Jabatan*) in January 1997 and became the JAKIM of today [JAKIM websites; Tayeb 2017].

Regarding its halal food policies, Malaysia strenuously approached halal industry-related issues from an early stage and enabled the worldwide expansion of its halal industry by establishing halal certification standards. In this context, the government issued the Trade Descriptions Act in 1972, which stipulated general aspects related to transactions. Supplementing this Act, the government issued two administrative orders, Trade Description (Use of Expression Halal) Order 1975 and Trade Description (Marking of Food) Order 1975, and articulated its halal standard in a time when halal consciousness was not common in other countries. These legal regulations stipulate the use of the designation 'halal' in relation to food. As discussed above, the Dakwah movement promoted Islamic revival, and Islam has become more associated with the Muslim population, unlike the tradition where it was strongly associated with the Sultan and his legitimacy. In addition, Article 153, 'Special Status of Malay,' of the Independence Constitution, which was enacted at the time of the country's independence from British rule in 1957, clarifies the status of the Islamic community within Malaysian society. The empowerment of Malay Muslims was partially the result of the implementation of some domestic policies, such as the New Economic Policy. From this, it can be inferred that Malaysia's Islam was strengthened and this created a demand for a Halal industry.

The following section focuses on the certification standards clearly stated by Malaysia, which have played a pioneering role in building the halal certification system, especially its Halal Food Production, Preparation, Handling and Storage General Guidelines (Second Revision).

Malaysia's certification standards are called the Malaysian Standards and are commonly referred to with the abbreviation, MS. There are halal certification standards for each field; the standard for halal certification which defines a comprehensive standard, is MS 1500. For individual fields, there are MS 2400 for distribution and MS 2424 for pharmaceuticals.

In 1981, the Halal Guidelines, which were the first halal guidelines in the world, were introduced by the Mahathir administration.

Malaysia's Halal Certification standard was actually derived from the general Malaysian industrial standard. In the previous studies, it is common to consider halal standards as based on Islamic law. In the first decade of the 2000s, Malaysia enforced its halal guidelines in the form of the 'Malaysia Standard 1500'; following three revisions, the Malaysia Standard 1500: 2019 is currently in effect. It is noted that the Malaysian government, particularly JAKIM and HDC, facilitated the development of Malaysia's halal industry. In addition, the "Approval of a standard as a Malaysian Standard is governed by the Standards of Malaysia Act 1996 (Act 549)" [Department of Standards Malaysia 2009].

Among them are halal certification standards. Standards Malaysia comprises the National Standards Body and National Accreditation Body. Further, SRIM Berhad (Standard and Industrial Research Institute of Malaysia) supports the standards established in Malaysia. It functions under the umbrella of a government agency, as well (Figure 1).

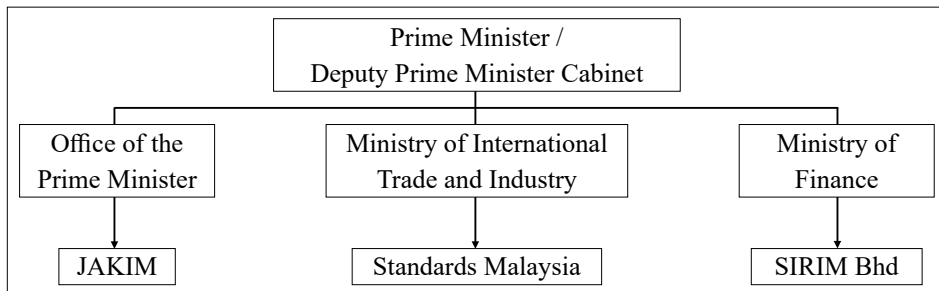


Figure 1: Conceptual Diagram of Halal system in Malaysia

Source: Created by the author



Figure 2: The Malaysian Halal Logo

Source: [the JAKIM website]

The predecessor of JAKIM is the Religious Secretariat of the National Council of Islamic Religious Affairs Malaysia, which was established in 1986. It is a national body to deal with Islamic affairs in general, while one of its divisions is specialized in Halal affairs. JAKIM has established a Malaysia Halal logo (Figure 2) and implemented a Halal certification system. It is the only official Halal certification organization in the country and is under the direct control of the Prime Minister's Office and in charge of Islamic affairs in Malaysia. In 2000, a department related to Halal within JAKIM issued the Malaysian standards which mentioned Halal food and production-related standards. Since 2000, Malaysian standards, halal foods and production-related standards have been established.



Picture 1. Items purchased in Malaysia

Source: photos taken by the author in August 2015, September 2018, and August 2015 respectively.

Note: On the left is a cup of mineral water sold in Malaysia; in the middle is a packet of MILO-flavoured cereal; on the right is a laundry detergent sold in Malaysia. As can be seen, the Halal logo is put on foods and also daily necessities.

The Malaysian Standard has undergone three revisions: MS 1500: 2000; MS1500: 2004; MS 1500: 2009; and MS 1500: 2019. According to my interview with Dr. Sirajuddin, the director of the Halal department in JAKIM (at the time of interview), there are two types of MS, an English version and a Malay version, the latter of which was created from the former in September 2018. He explained that the use of Malaysian standards, as per regulation, is voluntary for any company unless required by local ordinances or other similar methods.

Table 1. Transitions of the Halal Certification System in Malaysia

| year |                                                                                                                                                     |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1968 | The National Secretariat on Islam is established in the Prime Minister's Office (started in 1970, becomes JAKIM after being reorganized four times) |
| 1975 | Promulgation of transaction display order (use of halal expression is decided)                                                                      |
| 1994 | Halal logo introduced in JAKIM's advancing organization                                                                                             |
| 1997 | Founded by JAKIM                                                                                                                                    |

|      |                                                                                                                                                        |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2000 | Malaysia Standard (MS 1500: 2000) promulgated                                                                                                          |
| 2004 | <ul style="list-style-type: none"> <li>• MS 1500: 2004 enforcement</li> <li>• Starting of the Malaysia International Halal Showcase (MIHAS)</li> </ul> |
| 2009 | MS 1500: 2009 enforcement                                                                                                                              |
| 2019 | MS 1500: 2019 enforcement                                                                                                                              |

Source: created by author

Under the administration of Abdullah Badawi, the fifth Prime Minister of Malaysia from 2003–2009, the globalisation of halal issues was initiated. In April 2004, the first Malaysia International Halal Showcase (MIHAS) was held in Kuala Lumpur for the purpose of spreading Malaysian halal products to the world. With the opening ceremony, the government declared Malaysia as a worldwide ‘Halal-Hub.’

Since then, MIHAS is an annual four-day trade exhibition held in Kuala Lumpur. It claims to be the “World’s Largest Halal Industry Trade Show” and offers opportunities for the promotion of halal food, pharmaceuticals, cosmetics, tourism, logistics and Islamic finance [MIHAS website].

I conducted field studies at the MIHAS exhibition in 2018 and 2019, where I gathered information concerning Malaysia-based companies and foreign companies in a wide variety of fields. At MIHAS, it is possible to taste and purchase halal food and drink. The major participating countries in MIHAS 2018 were Malaysia, Japan, Singapore, Cambodia, China, Hong Kong, India, Indonesia, Vietnam, Pakistan, Sudan, Korea, Turkey, Philippines, Thailand, Saudi Arabia, UAE, the USA, and others. According to the analysis of halal certification conducted in my field survey, about 60% of the companies exhibiting at MIHAS held in 2019 had obtained halal certification for their products. Moreover, most of the companies recognised the importance of obtaining halal certification.



Picture 2. MIHAS 2018.

Note: Photo is ayam-curry (chicken curry) from Amaya’s KitchenSource: Photo by the author at MIHAS 2018 (April, 2018)

## The Contents of the Malaysia Standard

Malaysia Standard 1500: 2009 (Table 2) begins with the ‘Preface’ section, which describes the additions and deletions that have been made to MS 1500: 2000. For example, there is the ‘incorporation of new clauses on “Packaging, labelling, and advertising”’ as well as the ‘deletion of clauses on “Mechanical slaughtering”’ [Department of Standards Malaysia 2009: iii].

Table 2. Contents of Malaysia Standard 1500: 2009

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| Committee representation                                                                   |
| <b>Foreword</b>                                                                            |
| 1 Scope                                                                                    |
| <b>2 Definitions</b>                                                                       |
| <b>3 Requirements</b>                                                                      |
| 4 Compliance                                                                               |
| 5 Halal                                                                                    |
| 6 Halal certification mark                                                                 |
| <b>Table A1 Guideline parameters for electrical stunning of chicken and bull</b>           |
| Table A2 Guideline parameters for electrical stunning of other animals                     |
| Figure 1 Slaughtering part for chicken                                                     |
| Figure 2 Method of slaughtering chicken                                                    |
| Figure 3 Slaughtering part for cattle                                                      |
| Figure 4 Method of slaughtering cattle                                                     |
| <b>Figure A 1 Diagram of skull and placement for pneumatic stunner</b>                     |
| Annex A Requirements on the use of stunning in slaughter of ruminant and poultry           |
| Annex B Method of ritual cleansing according to Shariah law for <i>najs al-mughallazah</i> |
| Bibliography                                                                               |
| Bibliography                                                                               |

Note: Bold letters are the parts discussed in this article.

Source: [Department of Standards Malaysia 2009: i]

The ‘Section 2 Definition’ consists of the following seven items: 2.1 Shariah; 2.2 Halal; 2.3 Halal food; 2.4 Najis; 2.5 Slaughtering; 2.6 Competent authority and 2.7 Premises. From these titles, it can be deduced that the content consists of both Islamic law and administrative rules. In Section 2.1 Shariah, we can see aspects of Islamic law along with the local aspects of Malaysia.

2.1.2 *Shariah* law defined by Malaysia law means the laws of Islam in the *Mazhab* of Shafie or the laws of Islam in any of the other *Mazhabs* of Maliki, Hanbali, and Hanafi which are approved by the Yang di-Pertuan Agong to be in force in the Federal Territory or by the Ruler of any State to be in force in the state or a *fatwa* approved by the Islamic Authority. [Department of Standards Malaysia 2009: 1]

Section 3 ‘Requirements’ consists of 3.1 Management Responsibility; 3.2 Premises; 3.3 Devices, utensils, machines and processing aids; 3.4 Hygiene, sanitation, and food safety; 3.5 Processing of halal food; 3.6 Storage, transportation, display, sale, and servings of halal food; 3.7 Packaging, labelling, and advertising and 3.8 Legal requirements. From these titles, we can comprehend the strong aspect of these being administrative rules. If you only review the titles ‘1 Scope,’ ‘2 Definitions,’ ‘3 Requirements,’ ‘4 Compliance,’ ‘5 Halal,’ and ‘6 Halal certification mark,’ you will get the impression that the content related to the Islamic law and that related to the administrative rules are individually dispersed to form a certification standard. However, an analysis of each item reveals that aspects of Islamic law and Malaysia’s local administrative rules are inextricably intertwined.

Regarding ‘parameters for the electrical stunning of chickens and bulls,’ Malaysian standards specify the precise current and voltage settings required according to the weight of the chicken or cow being prepared for slaughter, depending on the condition of the animals. However, the current and voltage settings specified here are not of course written in the Qur’ān or Hadith, which is the basis of Shariah; thus, they are simply modern administrative rules. Regarding electric stunning, for example, a different view exists; the Gulf certification standard prohibits the use of electric stunning and the like.

Notably, a fatwa was issued in Malay in 1988 regarding the permissibility of electric stunning for slaughter [JAKIM: E-SMAF V1].

Muzakarah Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (MKI Muzakarah Committee) has decided that the Use of Electrical Stunning in Cattle Slaughtering is a must. [JAKIM: E-SMAF V1]

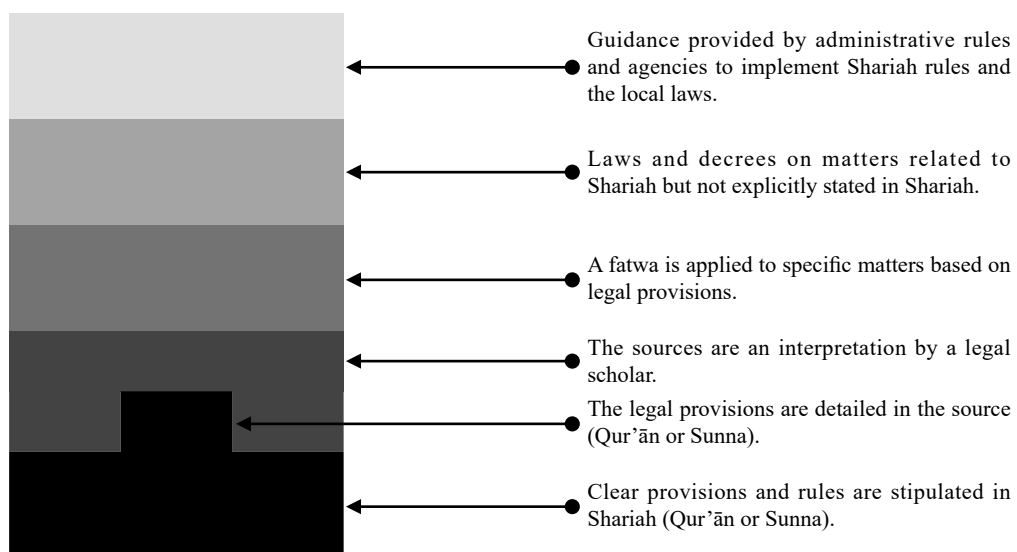
However, to prevent the animals from being killed instead of merely stunned, which would render them haram, it was necessary to produce another fatwa that was published in Malay in 2005, explaining that the problem with the death of animals was due to their size. The method of stunning and the power and duration of the electrical current were defined in 2005, so as not to kill the animals, since the Islamic law stipulates that animals should be slaughtered with a knife.

1. Stunning methods of Penetrative Captive Bolt and Non-Penetrative Captive Bolt (Mushroom Head Gun) are illegal and not allowed as it can cause the animal's death.
2. Only an Electrical Stunning method is allowed subject to the following conditions: a. Stunner used is a type of head only stunner b. The power of the electric current must be controlled (must not exceed the set limit) which is between 0.75 amperes for goats, 2.0 amperes for cattle and the duration of electric flow is between 3-6 seconds; and c. Must be regulated by a certified Muslim officer.
3. the Water-bath stunning method for chickens and ducks (poultry) is required provided: a. The power of the electric current is controlled so as not to kill the animal; and b. the procedure must be overseen by a certified Muslim officer.
4. The use of drugs and carbon dioxide in the slaughter procedure is allowed provided it does not torture or kill the animal. [JAKIM: E-SMAF V1]

So far, the halal certification standard has been shown to be formed from individual aspects such as the ones stipulated by Islamic law and by the government. As shown above, it is considered that the aspects of Shariah and local administrative rules form a complicated correlation with respect to one type of content.

The structural relationship between Shariah and Halal certification is illustrated in Figure 3.

Figure 3: The structural relationship between the Shariah and Halal certification



Note: The band width does not indicate the quantity. Also, regarding fatwas above, it may increase due to the trends of the times.

Source: created by author

‘Clear provisions and rules are stipulated in Shariah (Qur’ān or Sunna)’ and ‘The legal provisions are detailed in the sources (Qur’ān or Sunna).’ This is, for example, about a ban on pork mentioned by the Qur’ān. Next, ‘An interpretation by a legal scholar based on the sources’ is a point of view interpreted by Islamic legal scholars based on the sacred sources, namely, the Qur’ān and Sunnah. For example, views on Najis include interpretations by legal scholars.

## 2.4 Najis

### 2.4.1 Najis according to Shariah law are:

- a) dogs and pigs and their descendants;
- b) halal food that is contaminated with things that are non-halal;
- c) halal food that comes into direct contact with things that are non-halal;
- d) any liquid and objects discharged from the orifices of human beings or animals such as urine, blood, vomit, pus, placenta and excrement, sperm and ova of pigs and dogs except sperm and ova of other animals.

NOTE. Milk, sperm and ova of humans and animals, except dogs and pigs, are not najis.

- e) carrion or halal animals that are not slaughtered according to Shariah law
- f) *khamar* (alcohol) and food or drink which contain or are mixed with alcohol.

[Department of Standards Malaysia 2009: 2]

As mentioned above, ‘Fatwa applied to specific matters based on legal provisions’ applies to problems such as electrical stunning. Then, regarding ‘Law and decree concerning parts based on Shariah or not explicitly stated in Shariah,’ this is represented by the following contents, for example:

- m) the act of *halal* slaughter shall begin with an incision on the neck at some point just below the glottis (Adam’s apple) and after the glottis for long necked animals;
- n) the slaughter act shall sever the trachea (*halqum*), oesophagus (*mari*) and both the carotid arteries and jugular veins (*wadajain*) to hasten the bleeding and death of the animal (see Figures 1 to 4). The bleeding shall be spontaneous and complete; and
- o) a trained Muslim inspector shall be appointed and be responsible to check that the animals are properly slaughtered according to the *Shariah* law.

[Department of Standards Malaysia 2009: 7]

Finally, it mentioned about ‘Guidance by administrative rules and agencies to implement Shariah and the law’ as followed.

- 3.2.7 The premises shall be effectively separated and well insulated from a pig farm or its processing activities to prevent cross contamination through personnel and equipment.
- 3.2.8 Slaughtering and processing premises shall be dedicated for *halal* slaughtering and *halal* processing only.
- 3.2.9 Processing of carcasses such as deboning, cutting, packing and storing shall be done in the same premises as slaughtering or in approved premises by the competent authority that meets the requirements of this standard.

[Department of Standards Malaysia 2009: 4]

This discussion discloses that the Halal certification standard is closely intertwined with the dimensions of elements related to Islamic law and various aspects of Malaysian society and the government. The analysis of the Halal certification standard also clearly indicates that Shariah and Muslim morality have a correlation with Malaysia’s national laws and administration.

## Conclusion

The purpose of this article is to investigate the process by which the halal certification system grew in Malaysia and the details of the halal standards used there. In particular, the relationship between Shariah and the halal standards in the halal certification system in Malaysia are examined in this article.

The findings of the article are as follows. First, the Halal industry was formed as a domestic policy, making the Islamization of the Malaysian society compatible with securing the regional characteristics of Malaysia. The development of the Halal industry has been led by the government. The strategy around the halal industry for its domestic growth and globalization is distinguished by a top-down approach. The foundation of Halal issues in its domestic policy opened the way for the Globalization of Malaysia’s Halal industry.

Second, regarding Halal certification, the structure of certification standards is formed from the aspects of Shariah with the authorities of Sultans and Islamic jurists, federal laws, and the federal government and its administrative organs, which also brings forth their administrative rules. The rules in the Malaysian halal standard take into account the local circumstances there. In this regard, the previous studies which proposed that Halal standards are based mainly on Islamic Law didn’t clarify the actual components of the standards. As we have examined in this article, the Halal standards are quite complex and closer to a modern

administrative instrument than Shariah in the traditional sense.

Third, two aspects of the Islamic Shariah are suggested through this new perspective of halal issues. These two aspects are the Shariah rules and the Shariah morality, and previous studies have focused solely on the Shariah rules and have not comprehended the aspects of morality. However, regarding the halal industry, the force of Shariah morality has a strong influence, and it can be said that the ascendancy of Malaysian initiatives to promote its Halal industry and Halal certification system has been backed by the Islamic morality of its Muslim population. In other words, it is a combined achievement of the federal government, the federal Department of Islamic Development, state authorities with Sultans, Muftis, and Islamic jurists as well as the end consumers who support it out of religious morality or religious consumer preference.

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