Comparison and Challenges in the Implementation of Halal Food Laws in Malaysia, the Netherlands and United States of America

(Perbandingan dan Cabaran Perlaksanaan Undang-undang Makanan Halal di Malaysia, Belanda dan Amerika Syarikat)

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ABSTRACT

The term “Halal Laws” in this paper relate to the laws of consumer protection in terms of Halal product. Halal laws are crucial, since it regulates an industry that is worth an estimated of USD 2.3 trillion, annually. The Halal laws in Malaysia are a national, legislated law. Meanwhile, the United States of America (USA) also have Halal laws, but it is legislated on a state level. Not all states recognise the Halal laws in the USA. Alternatively, the Netherlands do not have Halal laws or Halal related laws. Therefore, local Muslims depend on the integrity of local Halal certifier for Halal foods. This paper summarises the Halal laws differences in these 3 countries including Halal laws offenses and penalties. This paper also summarises the challenges of implementing the Halal laws in these three countries.

Keyword: Malaysia; Netherlands; United States of America; Halal; Laws

INTRODUCTION

Food safety and Halal goes in tandem in the Muslim countries. This is because Halal demands safe, wholesome (toyyiban) and hygienic properties; similar with food safety objectives. As a brief description, Halal or its full term “Halalantoyyiban” merely means allowed and permissible for consumption with relation to Sharia (Islamic) law as long as they are safe and not harmful. Besides fulfilling the Sharia law, which is a must for Muslims, the food safety factor plays a significant contributor in determining the toyyiban, such as wholesome (safe, clean, nutritious, quality) aspects of the food. Therefore, a Halal food is a food for all regardless of religion.

One of the important aspects of Halal is the preparation and processing of meat for the Muslims. The demand for processed meat and meat products are becoming ever increasing. In 2018, the processed meat market is expected to be valued at nearly $800 billion USD.1 From Halal market point of view, the estimation is supported by 2009-2014 market analysis that shows significant rises of fresh meat volume growth (increase by 30%) throughout the world with the exception of Western Europe (decrease by 1%). The two main channels that propel Halal meat industry are fast food restaurants and specialty butchery.2

As more countries are accepting Halal concept and Islam, Halal food market begins to thrive. However, this also signals for more rigid maintenance of Halal certification procedures. This is because Halal process has been branded as assurance of a quality, safe and healthy products. Therefore it is imperative that it is being safeguarded by responsible authority. However, different
countries adopt different scheme in implementing the “Halal laws.”

MALAYSIA – GOVERNMENT LEGISLATED LAWS

There was no Halal labelling in Malaysia prior to 1972, it only begins when the Trade Description Act 1972 introduced two labelling terms: “Ditanggung Halal” (Halal Assured) and “Makanan orang Islam” (Muslim Food) for usage in food service industry. Since then, there are more Muslims inquiring about non-Muslim food handlers’ knowledge about the Halal and Haram concepts in Islam. Therefore, the Malaysian government implemented Halal certification with Halal logo to food products. However, the implementation was done voluntarily under the Department of Islamic Affairs (BAHES) – name adopted prior to re-organization of Department of Islamic Development Malaysia; JAKIM in 1994.

Prior to Halal logo implementation, caveat emptor was the doctrine among Muslims. Caveat emptor in this context means that the Muslim consumers were responsible for checking the Halal quality. The laws then gradually shift the responsibility to food manufacturers (caveat venditor) with the implementation of Food Act 1983 and Trade Description Order 2011.

Recently, the Malaysian Standard (MS) 1500: 2009 has standardized the Halal definition among Malaysian food industry. Halal means food and drink and/or their ingredients that are permitted to be consumed under the Sharia law and fulfill several conditions as stated in the Standard. The Standard also includes detailed description of procedures in slaughtering animals according to the Sharia. Suggestions for modification (only when it is mandatory) is also included in the Standard Annex A. This include purifying method of najis (filth) and stunning of animals.

Even until now, the certification was done voluntarily by food companies. However, the certification is important for the companies if they want to become relevant in Malaysia. This is because the certification had become a marketing tool for Muslim consumers and also as a pre-requisite in local food safety system, such as Good Manufacturing Practice (GMP) and Hazard Analysis Critical Control Point (HACCP).

THE NETHERLANDS – THE LAND OF RIGHTS

The Netherlands is home to around 925 thousands of Muslims in 2015, roughly 6% of the total population at the time. This translates to growing Halal demands among the businesses in the Netherlands. However, the visibility of the Halal demands also attracted vocal objections from local population.

There were few entities that offer Halal certification in the Netherlands. Majority of them come from local Imams and International bodies such as JAKIM and Islamic Food and Nutrition Council of America (IFANCA). Certain local Muslim establishments also proceed to self-certified themselves as Halal certifiers, since they themselves adhere to the Islamic teachings. Therefore, it can be summarised that the local markets in the Netherlands are based on trust with the local butchers and grocery stores of the same social and ethnic groups.

Presently, there are no government enacted laws regarding Halal in the Netherlands. Even so, current Halal certification is still difficult to be implemented. According to Havinga, there are three reasons; (1) animal rights organisation objects to the inhumane and painful treatment of animals; due to no stunning prior to slaughter; (2) growing Islamophobia in local politics arena scares incoming food business to adopt private Halal certification; (3) the Federation of Veterinarians of Europe advocate obligatory stunning prior to slaughter.

However, the first and third reasons were no longer valid since a motion in favour of prohibition on slaughter without prior stunning was rejected by the Dutch Parliament. The main reason for the rejected motion is due to rights for Freedom of Religion. Therefore, the business proprietress in the Netherlands can now safely adopt private Halal laws.

UNITED STATES OF AMERICA – WELCOMING HALAL STATES BY STATES

Similar to the Netherlands, there are private Halal laws in the United States of America (USA). However, these laws have existed much longer. This is because the USA have extensive Kosher law that enables “consumer right to know issues” and “truth in labeling” in matters related to Kosher requirements. In July 2000, New Jersey passed a bill that extend the special priority to the Muslim community.

The New Jersey’s Halal law is named Administrative Code Title 13 Law and Public Safety Chapter 45a Subchapter 22 Halal Food which specifically says that food businesses must post information setting forth the procedures they follow in their purchase, handling, and preparation of the Halal food. Fraudulently selling non-Halal as Halal results in a fine of $10,000 for first time offenders and $20,000 thereafter.

Since then, 8 other states such as Virginia, Texas, Michigan, Minnesota, Maryland, Illinois and California have also followed the same gesture. Each with their own set of laws and definitions to serve the Muslim community in these states. All the other states also accept Halal certification but they only serve as marketing tools for Muslim consumers.
COMPARISON BETWEEN THE HALAL LAWS

The comparison of the Halal laws of Malaysia, the Netherlands and the USA was done using numerous data obtained from scholarly literatures and statistical reports conducted in the recent years by international research center. Table 1 summarises the comparison of the Halal laws between these countries. Among them, Malaysia has the highest number of Muslim population, with estimated 16,581,000 Muslims. This is followed by the USA with 3,300,000 Muslims. The Netherlands has 925,000 Muslims or equivalent to 6% of total Dutch population.

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<tr>
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<th>Malaysia</th>
<th>Netherlands</th>
<th>United States</th>
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<tbody>
<tr>
<td>Muslim population</td>
<td>16,581,000</td>
<td>925,000 (6% of total Dutch Population)</td>
<td>3,300,000</td>
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<tr>
<td>Law type</td>
<td>Government legislated</td>
<td>Private laws</td>
<td>Some government legislated; Some private laws</td>
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<tr>
<td>Halal laws/Related laws</td>
<td>• Food Act 1983 (Act 281) Section 13A</td>
<td>• New Jersey Administrative Code Title 13 Law And Public Safety Chapter 45a Subchapter 22 Halal Food</td>
<td>• Article 8 of the General Food Law (GFL)</td>
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<td>• Food Regulation 1985 Part IV Labelling</td>
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<td>• Trade Descriptions (Definition of Halal) Order 2011</td>
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<td></td>
<td>• Trade Descriptions (Certification and Marking of Halal) Order 2011</td>
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<tr>
<td>Local certification bodies</td>
<td>Department of Islamic Development Malaysia (JAKIM)</td>
<td>Various – Halal Feed and Food Inspection Authority (HFFIA), Halal Quality Control (HQA), Total Quality Halal Correct Certification (TQHCCA) etc.</td>
<td>Various – Islamic Society of the Washington Area (ISWA), Islamic Food and Nutrition Council of America (IFANCA), Islamic Services of America (ISA), Muslim Consumer Group (MCG) etc.</td>
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<tr>
<td>Halal Logo</td>
<td>Single logo</td>
<td>Various logos based on certifiers</td>
<td>Various logos based on certifiers</td>
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<td>Local Government Support</td>
<td>Provide Incentives</td>
<td>No Support</td>
<td>Free Market</td>
</tr>
<tr>
<td>Animal stunning issue</td>
<td>Allowed when necessary</td>
<td>Various – depending on which certificate</td>
<td>Various – depending on which certificate</td>
</tr>
<tr>
<td>Law protection</td>
<td>Yes – Common law</td>
<td>No protection</td>
<td>Yes, only on certain states – Common law</td>
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THE LAWS

The Halal laws enacted in these three countries are different. Both Malaysia and United States has legislated laws that are specifically for Halal foods. Meanwhile, the Netherlands does not have specific Halal laws, but instead depend on the European Union’s General Food Law for consumers’ protection.

Malaysia’s Halal laws are the most comprehensive of the three. The Trade Descriptions Order 2011 is a law that aims to protect Muslim consumers against fraudulent food manufacturers. As such, Trade Descriptions Order 2011 has 2 laws; Trade Descriptions (Definition of Halal) Order 2011 and Trade Description (Certification and Marking of Halal) Order 2011. The Trade Description (Definition of Halal) Order 2011 specifically defines Halal in terms of services and foods. Thus, any attempts to misled or confuse Muslim consumers is considered an offence and will be convicted with harsh penalty (Table 2). The Trade Descriptions (Certification and Marking of Halal) Order 2011, specifically declare the competent authorities in issuing the Halal certification in Malaysia (JAKIM and Islamic Religious Council in respective Malaysian States) as well as listing the recognise foreign Halal certification bodies by JAKIM. Any offence of this order which include falsifying certification or using false Halal logo will be convicted.
The Food Act 1983 (Act 281) Section 13A describes the responsible of the food producers, manufacturers and sellers in ensuring food safety and hygiene. The Food Regulation 1985 Part IV Labelling decrees that any misattributed food content in food labelling is liable for an offence under the Food Regulation 1985. The Food Act 1983 protects the consumers by enforcing the food producers to declare any ingredients including food ingredients that are Haram such as alcohol and pork. As a summary, the Malaysian Halal laws are comprehensive. The Malaysian Halal laws specifically state the definition of Halal related terms and describe in detail any offence against the laws and its penalty.

There are various Halal laws legislated in the USA. However, Halal laws in the USA begin with New Jersey’s Halal law and its legal writing becomes the basis for Halal laws in other states. The New Jersey’s Halal law is Administrative Code Title 13 Law and Public Safety Chapter 45a Subchapter 22 Halal Food. The law is akin to Halal Consumer Protection law in which an offence is liable for conviction if a “dealer” (the term used to refer to business entity) does not conform to the Halal disclosure (the term used to refer to the form required by the New Jersey’s Division of Consumer Affairs in the Department of Law and Public Safety). 15

However, the disclosure form as requested by the Division requires Halal certification from Halal Certifying agencies that are recognised by the Division. As such, the Halal laws in America extend the responsibility of Halal certifications to third party organisations. This procedure led to possible different interpretation of Halal definition, since the states define the term Halal as meaning “prepared under and maintained in strict compliance with the laws and customs of the Islamic religion” or “in accordance with Islamic religious requirements.” Thus, there were no statutory definition of the word Halal and depend on the interpretation of Halal certifying agencies.

However, it is still possible to conduct a conviction for Halal fraudulent case in the USA. This is because the Halal laws usually extend the penalty offense onto States Consumer Protection Law. The New Jersey Halal law did this by allying any offence of Administrative Code Title 13 Law and Public Safety Chapter 45A Subchapter 22 Halal Food to Consumer Fraud Act 56:8-13 (Table 2).

As for the Netherlands, the country is a member of the European Union. As such, any legal acts defined by the European Union Council is legislatively bind to all of its members. The law that is related in this context is General Food Law Article 8 of the Regulation (EC) No 178/2002 of The European Parliament and of The Council which is Protection of Consumer’s Interest. Article 8 state that:

“Food law shall aim at the protection of the interests of consumers, and shall provide a basis for consumers to make informed choices in relation to the foods they consume. It shall aim to prevent: (a) fraudulent or deceptive practices; (b) adulteration of food; and (c) any other practices which may mislead the consumer.”

Therefore, consumers in European Union member countries do have the right to be protected from food fraud and anything which misleads. As an extension of legal drafting, General Food Law of the European Union adapted Codex Alimentarius (a collection of internationally recognised standards, codes of practice, guidelines, and other recommendations relating to foods, food production, and food safety). This mean that the General Food Law also include protection from Halal mislabeling since Halal is define in Codex Alimentarius provisions for the use of Halal labelling on food products (Article 3.1).

However, General Food Law only provided the general principle and requirements of food law for the members. The responsibility for establishing law regarding penalty or punishment for offences against the General Food Law still holds under each member of their European Union. Because of this reason, it is hard to prosecute any offence of fraudulent Halal case in legal court since the Netherlands has yet to establish any penalty law regarding fraudulent Halal case. Table 2 below outlines the aforementioned Halal laws and its penalties.

<table>
<thead>
<tr>
<th>Law</th>
<th>Function</th>
<th>Penalty for offence</th>
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<td>Malaysia</td>
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| Food Act 1983 (Act 281) Section 13A | To ensure food producers, manufacturers and sellers be responsible to the safety and hygiene of their food products. | (1) Any person who prepares or sells any food that consists wholly or in part of—  
(a) any diseased, filthy, decomposed or putrid animal or vegetable substances;  
(b) any portion of an animal unfit for food; or  
(c) the product of an animal which has died otherwise than by slaughter or as game,  
Whether manufactured or not, commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding eight years or both. |

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<tr>
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<th>Function</th>
<th>Penalty for offence</th>
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<tbody>
<tr>
<td>Food Regulation 1985</td>
<td>To ensure all food ingredients, food claims are placed on the food labelling. To ensure consumers capability of understanding the details displayed on the food packaging.</td>
<td>Any person who commits an offence against these Regulation for which no penalty is provided by the Act shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years.</td>
</tr>
<tr>
<td>Part IV Labelling</td>
<td></td>
<td>(2) Any person who prepares or sells any food that contains or upon which there is any matter foreign to the nature of such food, or is otherwise unfit for human consumption, whether manufactured or not, commits an offence and shall be liable, on conviction, to a fine not exceeding thirty thousand ringgit or to imprisonment for term not exceeding five years or both.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) Any person who prepares or sells any food whether manufactured or not that is enclosed in a sealed package and the package is damaged and can no longer ensure protection to its contents from contamination or deterioration, commits and offence and shall be liable, on conviction, to a fine not exceeding thirty thousand ringgit or imprisonment for a term not exceeding five years or both.</td>
</tr>
<tr>
<td>Trade Descriptions (Definition of Halal) Order 2011</td>
<td>Provide clear definition of Halal according to fatwa</td>
<td>(a) if such person is a body corporate, to not exceeding five million ringgit, and for a second or subsequent offence, to a fine not exceeding ten million ringgit; or (b) if such person is not a body corporate, to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding five years or both.</td>
</tr>
<tr>
<td>Trade Descriptions (Certification and Marking of Halal) Order 2011</td>
<td>To declare the authority of Halal certification in Malaysia To provide clear description of Halal certification process, markings and application procedures.</td>
<td>(a) if such person is a body corporate, to not exceeding two hundred thousand ringgit, and for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit; or (b) if such person is not a body corporate, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both, and for a second or subsequent offence, to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.</td>
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**United States of America**

| New Jersey Administrative Code Title 13 Law And Public Safety Chapter 45a Subchapter 22 Halal Food | To provide general consumer protection for Halal certification. | Any person who violates any of the provisions of the act to which this act is a supplement shall, in addition to any other penalty provided by law, be liable to a penalty of not more than $10,000 for the first offence and not more than $20,000 for the second and each subsequent offense. (Consumer Fraud Act 56: 8-13) |

**Netherlands**

| Article 8 of the General Food Law (GFL) | To describe the protection of consumer’s interest (with no specific context in terms of Halal) | There is no directive offense for falsifying/disobeying Halal certification. Even when the food provider clearly disobey Halal certification requirements, it is not possible to conduct indictment, since the prime consideration of the food (article 8 GFL) is not affected. |
| Codex Alimentarius, Article 3.1         | Provide general definition of Halal food as according to Islamic Law |                                                                                  |
SCOPE OF “HALALANTOYIBAN” IN FOOD

Although the term Halal was generally recognised, the term may actually not comprehensive to include “Toyyiban” aspect (wholesome). In Malaysia, the term HalalanToyyiban was used by JAKIM in its certification. The term Toyyiban is actually derived from the word tayyib which could be described as things that are obtained through clean and lawful means. As Allah says in the Quran, ‘They ask you (O Muhammad SAW) what is lawful for them (as food) ... Lawful unto you are at Tayyibat (all kind of Halal foods)’ (Surah Al-Maidah 5: 4). Therefore, we can assume the word Toyyiban aspect in food as the nutritive, clean and wholesome quality.

There are various ways to ensure Toyyiban aspect in food production. Obtaining food safety certification such as Hazard Analysis Critical Control Point (HACCP), Good Manufacturing Practice (GMP), Good Hygiene Practice (GHP) certifications can be seen as ensuring Toyyiban aspect in food. This is because these two certifications require the food production be controlled in a clean environment with almost zero chance of food contamination.

These food safety certifications were recognised and utilised worldwide. As a matter of fact, HACCP was developed by the National Aeronautical Space Agency (NASA) in United States. Therefore we can assume any Halal food premises that had obtained either HACCP, GMP or GHP certifications on its premises as a sign of ensuring HalalanToyyiban.

In Malaysia, GMP/GHP certification is a pre-requisite for Halal certification by JAKIM. Additional HACCP certification is optional but recommended for medium to large companies. Therefore, we can say that food premises that had obtained Halal certification by JAKIM is HalalanToyyiban guaranteed.

HALAL CERTIFIER

The only Halal certifier in Malaysia is from JAKIM with the aid of Halal Industry Development Corporation (HDC). Both of these are government entities; which means there will be incentives for food businesses to adopt Halal. In this case, local food companies that aim to obtain Halal will be aided in obtaining pre-requisite food safety certification such as Good Hygiene Practice (GHP) or Good Manufacturing Practice (GMP). Malaysia has only one Halal logo and it is protected by the Trade Description Order 2011 in Malaysia.

In the Netherlands, there are many Halal certifiers. They are ranging from local players to foreign representatives in the Netherlands. For example Halal Quality Control (HQC) is run by the Honorary Consul of Syria in the Netherlands, while Halal Feed and Food Inspection Authority are run by Muslim immigrants from Surinam, Africa. All of the Halal certifiers in the Netherlands issues its own Halal logo.

The trend is similar in the USA, where there are many Halal certifiers available. Some examples include the Islamic Food and Nutrition Council of America (IFANCA), Muslim Consumer Group (MCG) and many more. Each Halal certifier also issues their own version of Halal logo. The differences between the Netherlands and the USA are that fraudulent Halal cases in some states of America can be brought to the State Court.

LOCAL GOVERNMENT SUPPORT

Local government support on Halal laws is also different between the countries. In Malaysia, the government supports and even gives incentives in any effort that will boost the economy. The Halal Industry Development Corporation (HIDC) and the development of Halal Standard MS 1500 are some of the proofs that show governmental support.

Meanwhile in the USA, the government has minimal interference with the Halal industry. Their liberal market economy ensures that any industrial Standards stays laissez faire (a free market policy). Therefore, food producers have no additional incentive of obtaining Halal certification other than gaining consumers’ trust and marketing strategy.

The Netherlands has no local government support for Halal certification. However, some local nongovernmental organisations (NGO) had objected to the implementation of Halal certification by private companies. These NGO object specifically on the subject of animal welfare, in which they claim the ritual slaughtering is inhumane. Their protest had garner attention to the point where the local government had to convene in order to discuss the issue of ritual animal slaughtering.

HALAL STUNNING

The Halal certification in Malaysia suggests ritual slaughtering be done without stunning. However, stunning method is still acceptable, if it is according to the stunning method as described in the Halal Standard Annex A.

As for the Netherlands, ritual slaughter was initially objected and contested in Parliament. However, the Parliament votes overrule the objection. Currently, ritual slaughter without stunning can only be done in certain abattoirs that have been designated by the government. Thus, some Halal certifiers certified only animals that have been ritualistically slaughtered without stunning.

This situation is similar in the USA, where certain Halal certifiers only certified Halal meat with those that have been done with ritual slaughtering without stunning. Unlike the Netherlands, the USA allows ritual slaughtering without stunning be done in any abattoirs since it was concluded by Humane Slaughter Act that religious slaughter by Muslim is one of the humane methods for killing animals.
THE CHALLENGES OF IMPLEMENTING THE HALAL LAWS

UNITED STATES AND NETHERLANDS

There is one huge difference in the Muslim environment between Malaysia and both the USA and the Netherlands. Majority of Muslims in Malaysia adhere to the Ahlus-Sunnah wal-Jama’ah (Sunni) sect, specifically Syafie. While there are Muslims communities following different sects in both the USA and the Netherlands. The different schools of thought is either between different internal Ahlus-Sunnah wal-Jama’ah sect such as Hambali, Maliki, Syafie and Hanafi to different sects altogether such as Jaafarite (Shia) and Ahmadiyya. These differences of Muslim sects are one of the reasons for the development of several different Halal certifiers in a Muslim community in both the USA and the Netherlands. The splintering of different Muslim sect communities is ripe for exploitation among credulous certifiers.

Some certifiers adopt to certify Halal based on their sect interpretation. For example, there is a group of Turks that open Kebab shops in central Europe identify themselves as Alevi; an internal sect of Shia that most Sunni Muslims considered heretical. They had obtained a Halal certification from their local Imam (a self-certifier). However, the Kebab shops openly sell alcohol as drinks to accompany their Kebab meal. This is because according to their sect, one is allowed to forgo their Muslim identity in a foreign environment. Although their action goes directly against the Sharia law, they still display their (non) Halal certification due to marketing reasons.

From this example, we can confirm that some certifiers may adopt fast or cheap Halal certification to address the growing Muslims demand regardless of whether they adhere truthfully to Halal/Haram concept or not. In doing so, some opportunist Muslim groups may have operated Halal certifying business to fill in the “gap.”

Therefore, there are bound to be some Halal certifiers who provide certification for monetary gains instead of ensuring Halal quality. This is the issue with the self-certifiers in the Netherlands. The Turkish Food Auditing and Certification Research Association (GIMDES) reported in the Turkish newspaper, that the organisation discovered that 30 certifiers in the Netherlands issue fake Halal certificates. This issue occurs due to segmentation of the Halal certifiers. Some Halal certifiers only certified small businesses; some international Halal certifiers in the Netherlands only receive applications from medium and multi-national companies.

Aside from fake certification and different Mazhab, the growing Islamophobia is also becoming a major challenge in implementing Halal laws. One antagonistic effort born from Islamophobia is the “Boycott Halal movement” that is active in several countries including the USA. The boycott Halal movement had a twisted definition of Halal concept and thus wishes to prevent it. The boycott Halal movement targeted premises or institutions (school and universities) that are trying to follow local Halal laws. Markets such as Morrison’s and Tesco which sell Halal meats always found out that some of the boycott Halal followers have contaminated their designated Halal products shelves with pork meats. In this context, following Halal laws had enable them to be harassed by people who oppose Muslims.

MALAYSIA

In Malaysia, the Halal certification is an important certificate for food businesses. Any rumors or dispute regarding the Halal quality will be silent with the certificate. For example, IKEA’s restaurant was raided in 2005 by religious officers, trade officers and police. This was because one of their sausages was suspected non-Halal compliance. Upon scrutiny, they found out that the company that supplied the sausage had their Halal certification expired since early 2004. Thus, the IKEA closed its restaurant and conducted ritual cleaning (samak). They cut off ties with the offending sausage company and had also required all of their food suppliers to renew and display their Halal certificates. After their response was telecasted in the news, only then the entire Muslim consumers’ roar of rages diminished.

However, this dependency to the certificates could also be detrimental if it was done poorly. The Cadbury issue of 2014 received state coverage due to suspected porcine inclusion in two of its chocolate bar products. The issue started when a picture of an unverified Ministry of Health routine analysis report for Halal testing was spread in the social media. The report showed positive porcine testing on the said products. This prompted JAKIM to retract the Halal certificate of the two products and sent officers to scrutinise the whole Cadbury factory in Malaysia. However, their investigation found out that the Cadbury operation was in fact Halal and their Halal certificate was reinstated later that year. This shows that Halal quality of food business can easily be tampered down due to other entity’s poor or lack of judgement.

Therefore, the challenge of Halal laws is to increase Halal integrity by JAKIM. The responsible authority (JAKIM) must ensure that the Halal laws is being adhered by food companies. This includes ensuring the entire ingredient suppliers have Halal certification. Based on the Cadbury incident, JAKIM was wholly unprepared to investigate a case and decided to retract the Halal certification without proper investigation. The action had damaged JAKIM’s credibility as Halal authority from the perspective of food companies.
POSSIBLE SOLUTION TO IMPLEMENTING HALAL LAWS

One possible solution in overcoming the challenges of implementing Halal laws is to develop a unified global Halal certification. Although similar solution had been proposed, current situation (diverging Muslim Halal interpretation, fake certification and Islamophobia) shows that the Muslim community need the global Halal certification more than ever.

The hypothetical unified global Halal certification must also have highly competent organisations with the ability to analyse, develop and implement solutions of an unforeseen challenge to Halal integrity (Halal system analysis). This include facilitating the development of Halal crisis control in member countries such as crisis control procedures and having more understanding of the Sharia laws and Muslim ways of life. This could also reduce the activities of any anti-Muslim movement.

CONCLUSIONS

The demand for Halal grows as Muslim populations grow. This is true in the Western countries where Muslims are a small minority. However, the Halal quality must be maintained and thus requires regulations for quality control. Different regulation was adopted depending on the countries perspective. Malaysia has a comprehensive Halal legislative law. Any Halal fraudulent cases will be brought to courts and met with specific penalties depending on the offences. As for the Netherlands, there is no law protection for Muslim consumers against Halal fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. However, the Halal quality must be maintained and thus requires regulations for quality control. Different regulation was adopted depending on the countries perspective. Malaysia has a comprehensive Halal legislative law. Any Halal fraudulent cases will be brought to courts and met with specific penalties depending on the offences. As for the Netherlands, there is no law protection for Muslim consumers against Halal fraudulent cases.

In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases. In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases. In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases. In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases. In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases. In the USA, there were also increasing demands for Halal. Thus, there were several Muslim organisations that issue Halal certificates and there were several states that enable prosecution of fraudulent Halal cases.

In Malaysia, there are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases. The local private Halal certifications are just marketing tools since there were no specific fraudulent cases.

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Alyanak, O. 2016. Do Your Best and Allah Will Take Care of


Alyanak, O. 2016. Do Your Best and Allah Will Take Care of the Rest: Muslim Turks Negotiate Halal in Strasbourg.

REFERENCE

Al-Quran. Al-Maidah. 5: 1-120.


Department of Standards Malaysia 2009b. Good Manufacturing Practices (Gmp) for Food. MS 1514:2009. Malaysia, Department of Standards.


Humane Slaughter Act 1958, 7 USC 1901-1907, Congress of the United States of America, 7 USCA 1902.


F Van Waarden, & R. Van Dalen, 2015, Markets Regulating Markets: Competitive Private Regulation by Halal Certificates. p. 188.


Department of Standards Malaysia 2009b. Good Manufacturing Practices (Gmp) for Food. MS 1514:2009. Malaysia, Department of Standards.


New Jersey Division of Consumer. 2012. New Jersey Administrative Code Title 13 Law and Public Safety


Trade Description Order Act 2011 (Act 730), Regulations and Orders. Laws of Malaysia.


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