



## **International Virtual Colloquium on Multi-disciplinary Research Impact (2<sup>nd</sup> Series)**

Organised by Research Nexus UiTM (ReNeU)  
Office of Deputy Vice Chancellor (Research and Innovation)  
Universiti Teknologi MARA 40450 Shah Alam, Malaysia, 15 June 2022



# **The Enforcement of Halal Compliance by Authorities in the Halal Industry**

**Anis Husna, Muhammad Syukri Mohd Ashmir Wong, Ahmad Sabri Osman**

Academy of Contemporary Islamic Studies (ACIS),  
Universiti Teknologi MARA, Shah Alam 40450 Shah Alam, Selangor Malaysia

[anisshusna@gmail.com](mailto:anisshusna@gmail.com) [syukri@uitm.edu.my](mailto:syukri@uitm.edu.my), [ahmadsabri@uitm.edu.my](mailto:ahmadsabri@uitm.edu.my)  
Tel: 0133778470

### **Abstract**

Halal Industry market has a very great potential in the future to provide the goods and services for both domestic and international. However there was a lack of understanding and knowledge about mechanism enforcement among consumers. The objective of this research is to examine the implementation and practices the enforcement of halal compliance by halal authority.. From a qualitative approach, data is collected through semi-structured interviews with the halal authorities. The results can analyze the mechanism empowered by halal authorities. It is hoped that the research could educate the consumer knowledge on the mechanism of halal enforcement.

**Keywords:** Halal enforcement, Halal compliance, Halal authority, Halal Industry

eISSN: 2398-4287 © 2022. The Authors. Published for AMER ABRA cE-Bs by e-International Publishing House, Ltd., UK. This is an open access article under the CC BYNC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>). Peer-review under responsibility of AMER (Association of Malaysian Environment-Behaviour Researchers), ABRA (Association of Behavioural Researchers on Asians) and cE-Bs (Centre for Environment-Behaviour Studies), Faculty of Architecture, Planning & Surveying, Universiti Teknologi MARA, Malaysia.  
DOI: <https://doi.org/10.21834/ebpj.v7i1S17.3829>

### **1.0 Introduction**

Halal Industry is a market that has great potential in the future for providing goods and services both domestic and international. This is supported by the most significant number of Muslim communities, estimated at a total of 1.9 billion, with purchasing power at US\$2.1 trillion in 2017 (State of the Global Islamic Economy Report 2018/2019). The great potential and promising returns in the halal industry have led non-Islamic countries to seize the opportunity to produce and manufacture halal commodities. To expand and robust the halal sector, halal agency developed the emerging sectors: modest fashion, medical devices, medical tourism to include the new economic sectors to increasingly embrace Halal values in their operations which are modest fashion, medical devices, and medical tourism as reported by Halal Development Corporation in the report of Halal Industry Master Plan (HIMP) 2030. This emerging market caters to the current needs and ensures integrity services to gain global trust in Malaysia's accreditation for the Halal industry. The market can improve the traceability, authenticity, and transparency of halal products for overall halal performance.

As an effort to sustaining halal industry, hisbah institution is important to developed for the society and country. The implementation of hisbah towards on the authority involved in implementing to sustain the justice (Hafiz, 2016). While carrying out their duties, hisbah institution carry a heavy responsibility because it involves the rights of Allah and the rights of humans. Hisbah means the implementation of *amaar maaruf nahi munkar* to prevent crimes or offenses committed in the event of conflict with syariah and against the concept of halal. The hard work of the authorities which act as Hisbah institution such as the Department of Islamic Development Malaysia (JAKIM), State Department of Islamic Religious Affairs (JAIN), Ministry of Domestic Trade and Consumer Affairs (KPDNHEP), and Ministry of Health (MOH) are the enforcement bodies fully responsible for halal issues. The authority responsible for ensuring the industry player meets *toyyiban*, halal standards, follows the action and meets the halal criteria. However, the halal industry poses concerns and issues pertinent to abuse of halal logo, presentation, and other offences relating to Halal (Dayang et al., 2017). Before the high level of complexity in halal

eISSN: 2398-4287 © 2022. The Authors. Published for AMER ABRA cE-Bs by e-International Publishing House, Ltd., UK. This is an open access article under the CC BYNC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>). Peer-review under responsibility of AMER (Association of Malaysian Environment-Behaviour Researchers), ABRA (Association of Behavioural Researchers on Asians) and cE-Bs (Centre for Environment-Behaviour Studies), Faculty of Architecture, Planning & Surveying, Universiti Teknologi MARA, Malaysia.  
DOI: [https://doi.org/10.21834/ebpj.v7i1S17%20\(Special%20Issue\).3829](https://doi.org/10.21834/ebpj.v7i1S17%20(Special%20Issue).3829)

enforcement, there was a lack of understanding and knowledge about mechanism enforcement among consumers. The high level of complexity in enforcement shows that the consumer shows a lack of understanding and knowledge about halal enforcement by the government authority (Ab Hamid et al., 2017). Therefore, halal enforcement is important to ensuring the halal products that are produced are surely halal and guaranteed safe for the community. Halal authority is an authorized body to conduct the enforcement to assure compliance in the halal industry. Thus, the objective of this research is to examine the implementation and practices the enforcement of halal compliance by halal authority.

## 2.0 Literature Review

### 2.1 Hisbah as an Enforcement Institution

Hisbah is the mechanism to improve Islamic civilization to ensure the nation is morally upright for market harmony (Ibrahim, 2019). The Hisbah institution idealizes the concept of Amar maaruf Nahi mungkar for enjoining good and forbidding wrong. In the Islamic tradition, hisbah is an exclusive instrument that plays a role to keep the community from violating Syariah via enforcement. Islamic jurists believe that Hisbah enjoys the support of Allah as the Quran states itself in the surah Al-Imran verse 104: "And let there be [arising from you a nation inviting to [all that is] good, enjoining what is right and forbidden what is wrong, and those will be successful". Thus from the principle, the authority has a role and practices to solve and prevent the issues that bring threat to Muslim society. Allah emphasized appointing a group for yourself whose duty is to ensure the best nation produced for humankind by to enforce what is right and what is wrong.

Government is given the role of muhtasib to monitor the hisbah to idealize with the concept of amar maaruf nahi mungkar. The government agencies are accountable institutions to implement the concept to monitor halal activities protect consumers, especially Muslims (Anwar, 2020). Therefore, in halal, the muhtasib are responsible in to enforce the regulation, monitoring the halal activities, preventing the halal issues from ensuring the halal industry players follow the rules, laws, guidelines, Malaysian Standard set by the halal authorities. The stakeholders that are responsible for ensuring halal compliance in the halal industry in Malaysia are the Department of Islamic Development Malaysia (JAKIM), State Department of Islamic Religious Affairs (JAIN), Ministry of Domestic Trade and Consumer Affairs (KPDNHEP), and Ministry of Health (MOH). Hence, halal authorities are responsible for enforcing the hisbah in conducting effective enforcement to the industry player. Halal authorities are accountable to address fraud and forgery in the halal industry for halal compliance.

### 2.2 Halal Enforcement Authorities in Malaysia

The halal enforcement authorities shoulder huge responsibility to ensure halal related for the safety, enforcing the law, preventing any halal issues. Each of the agencies has its jurisdiction and enactments in enforcing the law on halal products and services. The roles of the enforcement authorities such as JAKIM, JAIN, KPDNHEP, and MOH will be discussed.

#### 2.2.1 Department Of Islamic Development Malaysia (JAKIM)

JAKIM is the competent authority in Malaysia stipulated by law for halal certification. Its function is to administer halal, issue halal certification, monitor and enforce halal regulations in Malaysia (JAKIM, 2020). JAKIM has power in carrying out the enforcement of halal-related matters following their relevant act and jurisdiction together with other enforcement authorities. The offences against which enforcement action will be taken to liability and conviction because of failure to follow the rules and regulations that have been set up by authority for halal industry players (Mohd & Ahmad, 2017). JAKIM officers have been appointed as assistant controllers of Trade descriptions and given the authority the card to warn, suspend and revoke the business license. (Nor' et al., 2018).

#### 2.2.2 Department of Islamic Religious Affairs (JAIN)

Apart from JAKIM, JAIN is also the agent responsible for halal certification. Both authorities are in charge issuance of halal certification but only for the domestic market. They play an important role to conduct the state's halal enforcement with the collaboration with other authorities for their respective power under their jurisdiction (Ibrahim, 2019). The enforcement by JAIN thorough inspection to verify halal compliance of the halal certification holder. These religious officers have jurisdiction for the enforcement of State Syariah Criminal Offences 1997 (Nor', 2018).

#### 2.2.3 Domestic Trade and Consumer Affairs (KPDNHEP)

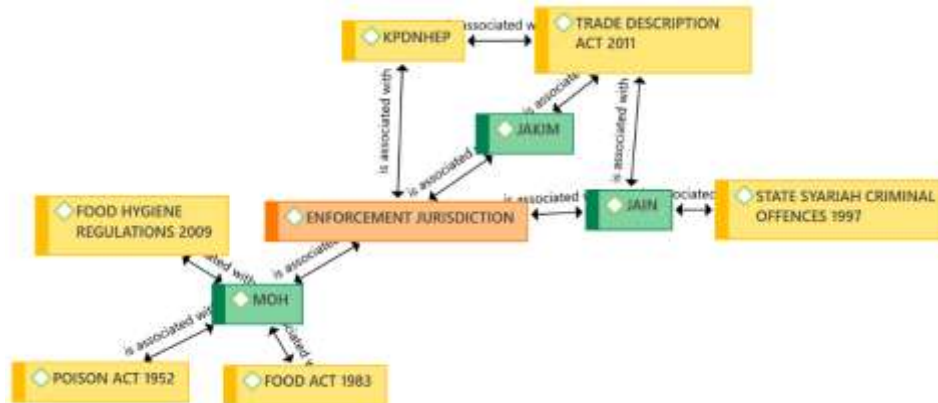
KPDNHEP is an agent responsible for enforcing the law by facilitating to protect the consumer. The authority serves to formulate policies and strategies for the development of domestic trade and consumerism (KPDNHEP, 2020). The authority serves to formulate policies, strategies in halal tagging and halal presentation. The main halal-related law for KPDNHEP jurisdiction is Trade Description Act (Muhammad et al., 2016). Trade Description Act 2011 is put under the KPDNHEP, very dependent on JAKIM and JAIN to enforce the fraud and forgery of a halal logo or halal presentation that is directed at the irresponsible parties. The authority serves to formulate policies, strategies.

#### 2.2.4 Ministry of Health (MOH)

The ministry of health administers ministerial functions in monitoring hygiene and food safety practices to coordinate all food safety and quality practices in the market are adequate and suitable for human consumption that does not contain any harmful substance or ingredients (Ibrahim,2019). For the aspect of halal enforcement, MOH has powers in administration formulated laws under Food Act 1983, Food hygiene regulation 2009, and Poison act 1952 (Wong, 2021). These acts are to protect the consumer in food safety to control the production activities in the premise or factory. Therefore, MOH emphasizes carrying out enforcement of the laws of health and safety practices.

Therefore, these authorities have their roles and responsibility to sustain the halal industry to ensure the halal compliance by industry players are met following the relevant act and guidelines. Every respective authority covers various aspects based on their power and jurisdiction to conduct enforcement activities. Thus, diagram 1 presented the enforcement jurisdiction power by respective of authority.

Diagram 1: Enforcement Jurisdiction in Halal enforcement



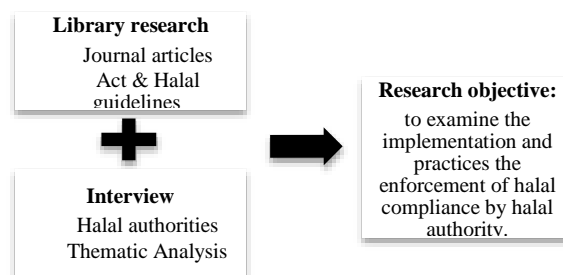
(Source: Researcher, 2022)

### 3.0 Research Methodology

The methodology used in the provision of this research is qualitative research. This research used structured interview methods to obtain and views data directly from the experts. Informant consisted of halal authorities who had long experience in the field of halal inspection, halal audit, and halal enforcement. The researcher has conducted structured interviews that were formally conducted, carefully planned according to the list of questions to be answered by the informant. Answers were transcribed from the data collection and sorted into several themes in piles of similar concepts or meanings.

Asides from the interview, the researcher also used library research to identify the concept of enforcement. Data was collected from various publications such as journal articles, acts, and halal guidelines. By using the secondary data to support from the main data (interview) as it can take maximum database for depth results and findings. Research methodology presented as stated in diagram 2:

Diagram 2: Methodology to identify enforcement of halal compliance



(Source: Researcher, 2022)

### 4.0 Result and Discussion

Enforcement by the authority is a mechanism to monitor and control the halal compliance from any halal forgery, misuse of a halal logo, halal presentation, halal packaging and labelling, halal expression, hygiene of premise, and misconduct of halal technical. Based on the interview session conducted with the halal authority, several key points can be highlighted in this section regarding the halal enforcement of halal compliance.

#### 4.1 Collaboration between the authorities

JAKIM/JAIN, are the main authorities in the halal industry, has collaborated with other authorities for the implementation of halal enforcement with KPDNHEP, MOH, Local Authority, DVS, and other authorities. This collaboration has a positive impact on enforcement activities because indirectly, JAKIM/JAIN can assist other agencies in resolving cases based on jurisdiction respectively. The collaboration between other authorities was conducted because JAKIM/JAIN does not have the power and legal authority to carry out legal prosecution if there are offences that may subject not be under the jurisdiction of JAKIM/JAIN. Even though these two authorities' bodies issued the halal certificate to halal certification holders, but the legal and power is limited in enforcement as some of the cases are under the jurisdiction of other authorities. Usually, KPDNHEP will conduct enforcement in terms of technical, but JAKIM/JAIN/MAIN in terms of Shariah since KPDNHEP, JAKIM/JAIN/MAIN will help KPDNHEP to conduct halal enforcement so that the efficacy can be achieved and implemented accurately under Trade Description Act 2011.

Meanwhile, the powers of MOH in enforcement by jurisdiction under the Food Act 1983, Food Regulations 1985, and Food Hygiene Regulations 2009. JAKIM/JAIN/MAIN does not have power in enforcement towards this jurisdiction. Suppose the premise offences in this matter will be notified 14 days after closing the premise. For a local authority, it is necessary to implement by-laws of some laws which are under the Local Government Act 1976. Next, the Department of Veterinary Services (DVS) is related to meat import and export to inspect the halal meat to prevent disease animals import or export in Malaysia.

There is no sole authority that will empower the power since there is no authority that can conduct all halal-related activities offences in terms of legal prosecution. The halal authority will conduct the mechanism using shariah ruling and adapt their methods and regulation to control the misconduct of irresponsible parties on halal matters to ensure the consumers are always supplied with products and goods that are safe and meet the halal standard.

#### 4.2 Halal Enforcement Procedure

##### 4.2.1 Halal Enforcement Methods

The findings found, there are two methods of enforcement by halal authorities, which are enforcement based on complaint and enforcement based on the operation. Firstly, the enforcement based on a complaint can be enforced based on when receiving a public complaint on abuse of halal certificate, halal forgery, unhygienic, doubtful ingredients of food/products, abattoir, or companies of Halal Certification holders. The inspection of public complaints that are received will be carried out by the halal authority. The implementation enforcement based on the complaint must be conducted based on policies on each respective halal authority, either JAKIM/JAIN/MAIN.

Second, enforcement based on the operation conducted by halal authority is enforcement together with sole or other authorities. Enforcement based on the operation is divided into two (2), which are monitoring inspection and follow-up enforcement. It is a process of continuous, arrangement, and planned inspection on Halal Certificate holders according to halal schemes, which are a food product and beverages, food premises, slaughterhouse, logistic, cosmetic and personal care, and pharmaceutical by authenticating the certification, requirement, guidelines, process and halal standard. The inspection is part of enforcement as directly with halal certification. The inspection methods will control situations or circumstances in the halal market by observing the halal certificate holders.

##### 4.2.2 Sampling

In enforcement and inspection, an authorized officer will enter the premises and can take samples of products, raw material, or products with doubtful halal status for evidence in the stage of prosecution. The authorized officer in sampling activities will be appointed by the head of the inspector. Sample of product, packaging materials, labels shall be taken for scrutiny for surveillance. If the sampling is found to be impractical because of type, size, or amount halal authority needs to decide on the sampling process to decide the decision of halal compliance based on sampling gathered during the enforcement process. After found offences, the halal authority will open a file case for the investigation paper. With the investigation paper, police will open a case alongside the police report, evidence and bring it to court. The investigation paper part of open case with the police report and bring it to court. Consumer Claims Tribunal will decide the cases to be ineligible whether the file is complete or incomplete.

##### 4.2.3 Prosecution Process

The prosecution can be prosecuted under Civil court and Shariah Court. In civil court, the law in Malaysia was through the enactment, Act, or Ordinance applicable in Civil courts modified based on the principles of English law (Multazimah Binti Rafie & Shahrul Mizan Ismail (2017). The enforcement under Civil Courts can be enforced Halal Authority includes JAKIM/JAIN/MAIN towards non-Muslim who abuse of halal label (Ab Halim & Ahmad, 2014). Halal-related matters cases under civil laws involve non-Muslims since Civil courts are not involved with religious matters and do not act as a religious offender but based on the action and behaviour of the individual itself (Che Rosmawati Che Mohd Zaina, et al., 2015).

Prosecution under Shariah court in Malaysia developed for state law and did not have any jurisdiction on federation or over non-Muslims even if the case involves between Muslim and non-Muslim litigants and as consequences remedy cannot be sought in this court (Hung, 2016). Halal authority JAKIM/JAIN/MAIN must become a witness in the trial process for public information and if it is submitted to Shariah court, the punishment under this act is low compared to civil courts (Yusof, 2017). The judge will make a judgment whether the party is guilty or non-guilty depending on the evidence needed for proof in the court. After the judge had already made the judgment, the halal authority used mass media to inform issues for public awareness regarding halal compliance status.

This research highlight on the implementation of halal enforcement by enforcement authorities to monitor and controlling halal activities in Malaysia. There are mechanisms in halal enforcement that need to follow by authorities as there are many parties that are involved.



Bishop, K., & Said, I., (2017). Challenges of Participatory Qualitative Research in a Malaysian and Australian Hospital. *Asian Journal of Environment-Behaviour Studies*, 2(4), 1-11. <https://doi.org/10.21834/aje-bs.v2i4.205>

Che R.C. Z., Suhaimi, A. R., Zahira, M.I., Shamrahayu, A. A (2015). Jurisdiction and prosecution of halal-related matters in Malaysia: Challenges and prospects. *Procedia-Social and Behavioral Sciences* 172, 294-300. <https://doi.org/10.1016/j.sbspro.2015.01.367>

Dayang, Hamid.D.A.D., Amran, H, David, M (2017) Key challenges and issues consumers face in consuming halal products. *International Journal of Academic Research in Business and Social Sciences*, 7(11), 590-598. <https://doi.org/10.6007/IJARBS/v7-i11/3498>

Halal, Development (2020). Halal industry master plan 2030. Malaysia: Ministry of economic affairs & Halal Development Corporation.

Hung, H. T. (2016). The Politics of Hudud Law Implementation Hudud. *The ISEAS Working Paper Series No 4*, 4.

Ibrahim, A. (2019). The fundamentals of Hisbah strategy in developing of Human Civilization. *Academy of Entrepreneurship Journal* 25(1), 1-2.

Ibrahim, A. Q., Zakaria, M. B., Ab Rahman, R., & Noh, N. C. (2018). Cabaran Pelaksanaan Hisbah Bahagian Pengurusan Halal Jabatan Agama Islam Selangor (JAIS). *International Journal of Civilizational Studies and Human Sciences* 1(4), 12-19.

KPDNHEP Official Portal (2020), Functions of KPDNHEP. <https://www.kpdnhep.gov.my/en/corporate-info/functions-of-kpdnhep.html>

JAKIM Official Portal (2020), The Recognised Foreign Halal Certification Bodies & Authorities. <https://www.halal.gov.my/v4/ckfinder/userfiles/files/cb2/CB%20LIST%201ST%20DEC%202020.pdf>

Mohd, I.M.K.,Ahmad. M. H., (2017). Maqasid Shariah in modern biotechnology concerning food products. *International Journal of Islamic Thought*, 12, 27-39.

Muhammad, H.B., Harlida, A.W., Alias, A.,Nurretina,A.S.,(2016). Pelaksanaan Dan Penguatkuasaan Halal Di Malaysia. *Sains Humanika* 8 (4)(2), 21.

Muhammad, S.B., Wan, F.A.W.Z.,Kamaruddin, S.,(2016) Cabaran institusi hisbah dalam dunia kontemporari serta usaha-usaha bagi memperkasakannya. *Ilmi*, 1(1).

Multazimah, R.,Shahrul,M.I., (2017). Pemakaian prinsip undang-undang Sivil dalam penghakiman berkaitan prosiding kes di mahkamah syariah : Satu kajian Kes. *International Conference on Law & Islamic Jurisprudence. Langkawi: Unviersiti Kebangsaan Malaysia*

Nor', A.H.,Norazla. A.W, Farah, M.S., Suriano, M., (2018). Malaysian Halal Law: Issues and Challenges. *The Social Sciences* 13(3), 769.

Norazla. A. W, Farah Mohd. S, Nor, A.H., Surianom. M, Syaripah. N.S.A, Marlina. A, Norziah. O., Wawarah. S., (2015). Undang-undang Halal Malaysia: Isu dan Cabaran, *World Academic and Research Congress 2015 (World-AR 2015)*, Indonesia.

Sophian, R., Engku, A.Z.E.A., Imam, F., (2018). Amalan Hisbah Dan Prospek Terhadap Pengurusan Akidah Di Malaysia: Satu Tinjauan Awal. *Islamic Educational* 2(1). <https://doi.org/10.21070/halaqa.v1i1.1607>

Quran, 3:104, Abdullah Yusuf Al Translation.

Reuters, T., & Standard, D. (2019). State of the global Islamic economy report 2018/19. Dubai: Thomson Reuters.

Wong, M. S. M. A., & Halim, A. H. A. (2021). Konsep Hisbah dalam Penguatkuasaan Pematuhan Halal di Malaysia. *Jurnal Islam dan Masyarakat Kontemporari*, 22(3), 129-140. <https://doi.org/10.37231/jimk.2021.22.3.556>

Yusof, N. b. (2017). Abuse of Halal Certificate: Legal and Procedural Analysis. *World Applied Sciences Journal* 35 (10), 2246. <https://doi.org/10.5829/idosi.wasj.2017.2245.2251>