

## MANAGING THE HALAL FOOD-RELATED ISSUES IN THE HALAL FOOD CERTIFICATION PROCESS BASED ON THE CONCEPT OF *SADD AL-DHARAI'*

<sup>\*1</sup>Zulaipa Ruzulan, <sup>2</sup>Budeeman Mana, <sup>1</sup>Mohd Amzari Tumiran & <sup>3</sup>Mohammad Aizat  
Jamaludin

<sup>1</sup> Academy of Contemporary Islamic Studies, Universiti Teknologi MARA,  
40450 Shah Alam, Selangor, Malaysia.

<sup>2</sup> Independent Researcher

<sup>3</sup> International Islamic University Malaysia,  
53100 Kuala Lumpur, Malaysia.

\*Corresponding author: [zulaipa3198@uitm.edu.my](mailto:zulaipa3198@uitm.edu.my)

Received: 11.10.2022

Accepted: 24.01.2023

### ABSTRACT

**Background and Purpose:** *Sadd al-dharai'* is a secondary source in Islamic law, which means blocking the means. *Sadd al-dharai'* is essential for Muslim jurists to deal with the Shariah issues, particularly in the halal food industry. This is because the area of the halal food industry has expanded and industrialized to accommodate the demands of Muslim society, which keeps increasing yearly. In this regard, halal-related issues are becoming complex and need Shariah clarification since much new food processing involves critical ingredients, equipment, and multi-processes, which require meticulous Shariah observation. Therefore, this study aims to investigate the extent to which the employment of the *sadd al-dharai'* is a credible tool adopted by Muslim jurists in dealing with the halal-related issues triggered in the halal food supply chain stage based on the halal certification process.

**Methodology:** This paper is qualitative, where document analysis was employed in this study to collect the data. The Malaysian fatwas, books, and physical or online articles were gathered to answer the study's objective. The data collected mostly from the years 2010 until 2020 unless the related fatwas where the fatwas are subject to their issuance year and suitability. The researchers used several keywords alternatively like '*sadd al-dharai'* in halal industry', 'fatwa and halal certification', 'food industry and Islamic law' to find relevant articles related to this discussion on the need to investigate

the employment of *sadd al-dharai'* in dealing with the halal-related issues triggered in the halal food supply chain stage based on the halal certification process. This study further adopted the content analysis technique, where the data was manually analysed and divided into four major themes based on the study's objective.

**Findings:** The study has indicated that *sadd al-dharai'* has its peculiar function in many aspects of the Malaysia halal certification process in Malaysia, and it could be viewed based on the two approaches, namely the establishment of the halal regulatory framework and the fatwa issuance. The principle of preventing the negative aspects must take precedence, in accordance with the rule “dar’u al mafasid muqaddam ‘ala jalb al-mashalih” adopting several preventive actions is very significant in ensuring the halal food products reach the consumers are *halalan tayyibban*.

**Contributions:** This study suggests that Muslim jurists need to consider the *sadd al-dharai'* as one of the sources of Shariah in ensuring the management of the halal certification process is efficient and in line with *maqasid al-Shariah*.

**Keywords:** Halal certification, halal food, *sadd al-dharai'*, food safety, food ingredients.

**Cite as:** Ruzulan, Z., Mana, B., Tumiran, M. A., & Jamaludin, M. A. (2023). Managing the halal food related issues in the halal food certification process based on the concept of *sadd al-dharai'*. *Journal of Nusantara Studies*, 8(1), 429-445. <http://dx.doi.org/10.24200/jonus.vol8iss1pp429-445>

## 1.0 INTRODUCTION

The expansion of the halal industry today in terms of its sub-industries is due to the consumers' demand for halal products and services, which keeps increasing today. Among the significant factors contributing to the positive growth is the global increase in the Muslim population. Pew Research Centre has expected that the Muslim population will increase by almost 3 billion near the Christians because Muslims have more extended family members (Jeff, 2019). The positive growth of the population indicates Islam is the second-largest population globally, and it has promising opportunities to be the most significant population in the future (Michael & Conrad, 2017). Besides, a study conducted by Battour et al. (2018) demonstrated that halal products and services become the preferences among non-Muslims as well because of quality and health reasons. With this progress, the halal industry could tremendously develop, and many opportunities could be created to remain resilient.

Concerning this, the halal food industry is regarded as the biggest halal industry due to the customers' demand for halal food products, and halal food is an essential element in Muslims' lives. Technavio Research has reported that the halal food market size is assumed to grow by USD 624.52 billion during 2020-2024 (Figure 1) due to the trend of the consumer's expenditure that contributes to the acceleration of halal food market size (Business Wire, 2020). As a result, many innovations have been introduced to sustain the industry involving all halal food supply chain stages, such as processing, packaging, labelling, and others. Since the halal food industry is directly related to Islamic dietary law, the observance of the lawful and the prohibition from the perspective of Islamic law is compulsory to ensure the final food products adhere to the Shariah requirements.



Figure 1: Global halal food marker 2020-2024 (Business Wire, 2020)

In this context, there is an urgent need for adequately qualified Muslim jurists with the authority and expertise in Islamic legal rulings to address emerging halal-related issues. As the halal food industry evolves, these challenges have become increasingly complex, particularly concerning halal food adulteration (Nurrulhidayah et al., 2011), shifts in scientific understanding due to advancements in research (Ruzulan et al., 2020), and rapid technological developments—all of which necessitate thorough Shariah clarification. The consideration of the changes happening

in the halal food industry is in line with the Islamic legal maxim of "*la yunkar taghayyur al-ahkam bi taghayyur al-zaman wa al-makan*" (change of the rule, judgment and fatwa and according to the change of time, place, social conditions, motivation, and traditions). Therefore, the ijthadic process (Islamic legal deduction) considering the status quo conducted by the jurists, is needed to ensure the rulings deduced are compatible and relevant with the (*waqi'*) reality in the halal industry today.

On some other point, most legal evidence in the divine texts of the Quran and Sunnah highlights the general principles and rules. Hence, there is room for flexibility for the jurists to exercise ijthad if there are no clear legal rulings in the divine texts. Principally, ijthad allows the jurists to do an in-depth investigation by their power of reasoning with the proper methodology of Islamic law (*istinbat*) towards the triggering issues by referring to the sources of Islamic law (*adillah al-Shariyyah*) until the jurists can reach the final decisions. Apart from juristic preference (*istihsan*), the presumption of continuity (*istishab*), public interest (*maslahah mursalah*), and any other secondary sources that can be used to solve the issues, *sadd al-dharai'* (blocking the means) principle also plays a vital role in dealing with the arising issues (Nyazee, 2003). The *sadd al-dharai'* becomes an appropriate tool because there is much consideration of *mafsadah* versus *maslahah* while dealing with emerging issues. Therefore, this paper investigates the application of the *sadd al-dharai'* principle as one of the principles adopted during ijthad as part of control measures in dealing with halal matters during the halal food certification process.

## 2.0 METHODOLOGY

A qualitative research methodology was adopted, and a critical analysis was needed to understand how the concept of *sadd al-dharai'* could be applied to ensure the halal food industry ecosystem is under the Islamic paradigm. Therefore, this study is in the form of a narrative review style whereby the document analysis was used to collect the data from the year 2010 to 2020, which consist of authoritative fatwa excerpts, manual, standards, and policies related to halal food certification, and the credible articles related to the subject matter of the study. Since there is no proper procedure in this review style, the searching technique by using several keywords like '*sadd al-dharai'* in halal industry', 'fatwa and halal certification', and 'food industry and Islamic law' was adopted to select the data. Indeed, Ferrari (2015) has asserted that this approach could improve the data quality based on the narrative review. The data was sought from the website of JAKIM, the Google search engine, Google Scholar, and several online databases, namely Scopus, ScienceDirect, and Web of

Science. The content analysis technique was used manually for the data analysis, and four themes were generated based on the study's objective.

### 3.0 FINDINGS

#### 3.1 The Principle of *Sadd Al-Dhazarai* From the Perspective of Islamic Law

*Sadd al-dharai'* has two terms, which are *sadd* and *al-dhara'i*. According to Ibn Manzur (2009), *sadd* means close the defect, and it was translated as hindrance, blocks, barriers, and obstacles. Meanwhile, *al-dhara'i* is the plural of *al-dhari'ah*, which refers to 'means' and cause. Technically, it refers to using permissible means to circumvent a prohibition (ISRA, 2010), but Nyazee (2003) has emphasized that this means to an end is lawful or unlawful. He has clarified that with the combination of these two terms, *sadd al-dharai'* means blocking the lawful to unlawful means. Besides, this principle is under the category of the *nazariyyah al-dhari'ah* (theory of means) apart from *fath al-dhari'ah* (permitting the unlawful means to a lawful means) (Mohamad Shafiq, 2018).

The principle of *sadd al-dharai'* is commonly discussed in the field of *usul al-fiqh* (the foundation of Islamic law), where *sadd al-dharai'* has soundness in Islamic legal deduction, particularly in the process of Islamic legal deduction from the Maliki school of thought. However, there is no uniformity among the schools of thought regarding its reliability in recognizing *sadd al-dharai'* as the secondary source of Islamic law (Salleh et al., 2019). Although contemporary researchers have insisted on putting forward the authoritativeness of *sadd al-dharai'* in their writings and the juristic-making process, most classical jurists did not recognize or even acknowledge its position (Nyazee, 2003). It is important to note that the forbidden lawful act in the scope of *sadd al-dharai'* relies on the harmful degree. The jurists have divided the lawful acts into three categories:

1. Those that rarely lead to harmful results, therefore the *maslahah* is the priority to be secured instead of *mafsadah*, such as planting grapes that are rarely for non-halal beverages purposes.
2. Those that are usually lead to harmful results. This means the *mafsadah* is greater than *maslahah*, like selling the sugar cane to wine-making manufacturing.
3. Those with an equal probability of harm and benefit, like prohibiting multiple transactions that likely lead to *riba*.

Abdulaziz (2010), in her exploration, has pointed out that the first category is not under the *sadd al-dharai'* principle because the action rarely leads to *mafsadah* (evil). Meanwhile, the jurists disagree on the second and third categories, where the Maliki and Hanbali opined that lawful acts may be prohibited because of potential harmful results. Likewise, al-Shafi'e contrasted with the view, justifying that permissibility cannot be prohibited. With the arguments among the school of thought, Nyazee (2003) has expressed that the jurists cannot reject or accept the authoritativeness of the *sadd al-dharai'* outright where there is a need to link the *sadd al-dharai'* with the scientific evidence as an instrument to determine the likelihood of the harmful degree. This opinion is significant in the contemporary era since many issues are intimately close to the empirical study where the integration of knowledge between Shariah and science-based studies could accurately determine the harmful degree.

Owing to this notion, *sadd al-dharai'* is an effective tool to ensure the permissibility of halal products and not lead to harmful consequences. Similarly, the products are genuinely Shariah-compliant and not conducive to prohibition (Hamzah, 2020). Indeed, the consideration of the *sadd al-dharai'* would lead to the attainment of *maqasid al-Shariah* by preserving the five essential values of Shariah, namely religion, life, intellect, property, and progeny. *Sadd al-dharai'* is a part of the consideration in certain parts of the Shariah matters, particularly in the Islamic legal deduction process, because the jurists will consider the human circumstances in all places and times in the light of the Shariah ground (Laldin & Furqani, 2013). On this occasion, the *sadd al-dharai'* principle is suitable for determining the rulings in the halal food matters in the food industry. It is worth noting that although the halal elements are allowable for consumption, they need further controlling measures to avoid harmful consequences to the halal food stakeholders, particularly the consumers.

### **3.2 Halal Food Certification in Malaysia**

Malaysia is the top country implementing a systematic halal certification to halal products and services, including food. The Department of Islamic Development Malaysia, popularly known as JAKIM, is a federal government agency responsible for managing the halal certification process in Malaysia, including the Islamic Religious Departments under the states of Malaysia. Currently, JAKIM has established and offered nine certification schemes to those companies who would like to certify their products as halal, namely (Manual Procedure for Malaysia Halal Certification (Domestic), 2020):

- (1) Food and Beverage Products,
- (2) Cosmetics Products
- (3) Pharmaceuticals Products
- (4) Food Premises
- (5) Consumer Goods Products
- (6) Logistics Services
- (7) Slaughterhouse
- (8) Contract Manufacturing/ OEM and
- (9) Medical Devices Products

Halal food certification depends on a case-to-case basis, where the purpose of obtaining the certification is significant, whether the application is for the food product itself, premise or logistic service, slaughterhouse or OEM (Original Equipment Manufacturer). This means that the halal risk control for the food is in the broader range, encompassing the end-to-end process of the food products until the product reaches the consumers (Sistem Pengurusan Halal Malaysia (MHMS), 2020). However, the Malaysian halal certification related to food mainly adopts the MS1500-Halal Food - General requirements. This standard is the primary reference for the company that intends to apply for the halal food certification. There are several elements in the standard, namely sources, tools or equipment, and process, which are regarded as the main requirements for the applicants to fully incorporate in their food processing and the halal assurance system of the company before the applicants are ready for the certificate. These requirements guarantee that the final halal food products are free from non-halal substances. Failure to meet the requirements could make the certificate not be granted, or there may be withdrawal or suspension of the existing halal certificate from the company if the company is already certified by JAKIM (Manual Procedure for Malaysia Halal Certification (Domestic), 2020).

Currently, halal food certification based on the MS1500 only covers the domestic application in Malaysia where the company is registered in Malaysia or foreign countries and the business operation and/or production is in Malaysia (Manual Procedure for Malaysia Halal Certification (Domestic), 2020). In practice, the halal certification is only voluntary for the food company to obtain unless halal claims are made towards the food-related products. There are specific regulatory requirements under the Trade Description Act 2011 to protect consumers by not allowing food company to declare their products as halal unless the company goes through the formal process of halal food certification in Malaysia and gets certified. The

regulations covering halal are the Trade Descriptions (Definition of Halal) Order 2011 and Trade Descriptions (Certification and Marking of Halal) Order 2011, which contain the definition of halal, halal food processing based on the Shariah law and the halal documentation together with the offences. This implies that the halal certificate is mandatory if the company uses any halal claims towards their products. Therefore, the halal certificate is a prerequisite for the food company to declare its food premises, products, and services halal in Malaysia.

In a nutshell, it is essential to note that the halal food certification system purposely ensures that the final halal food products offered to the consumers are in line with the *halalan tayyibban* requirements as enshrined in the law and its regulations, standards, manual and guidelines. There is a close relationship between the *sadd al-dharai'* principle adopted during the *ijtihad* process concerning the halal food certification system. Adopting the *sadd al-dharai'* could mitigate non-compliance risk during the halal certification process stages. The rules that make it mandatory for halal food manufacturers to be certified as halal first before offering halal products to the consumers is part of the preventive action where the approach of the *sadd al-dharai'* comes into the picture. Despite no explicit Islamic law indicating the obligation to have the halal certification, there is a need today to ascertain the status of the *halalan tayyibban* food products.

### 3.3 Halal Regulatory Framework

JAKIM is an appointed government agency responsible for managing the halal food industry in Malaysia since this industry is under the purview of Islamic matters. Therefore, JAKIM has put much effort into ensuring Malaysia's halal ecosystem's robustness by introducing halal-related standards, manuals, and guidelines. The policies are purposely to protect the rights of Muslim consumers in terms of their food consumption. Among the policies involved are Food Act 1983 and its regulations, the Trade Descriptions Act (TDA) 2011, The Animals Act 1953 (Revision 2006), the Abbatoirs (Privatization) Act 1993, Animals Rules 1962, MS1500 (Halim et al., 2014), Manual Procedure for Malaysia Halal Certification (Domestic) (2020), Malaysian Halal Management System 2020 and other related guidelines. The policies are the requirements of Malaysian halal schemes provided by JAKIM (Manual Procedure for Malaysia Halal Certification (Domestic), 2020). Introducing the relevant policies, standards, manuals, and guidelines has shown endless efforts to ensure halal food manufacturers practice the rules accordingly (Ambali & Bakar, 2014). Consequently, it could safeguard Muslim consumers from accessing quality food according to religious values.



In Islam, it is permissible for halal food providers to sell and claim their products as halal since they are free to do so as long as the goods are halal and no haram elements are associated with the activities. This practice aligns with the principle of permissibility, "the origins of matters are permitted". Thus, sellers and consumers are free to be involved in any selling and buying activities without any intervention from the third party, in specific government agencies, as long as they agree on the transaction involved. Nevertheless, many cases of halal certification falsification occurred and were reported via the newspapers and social media, and Muslim consumers particularly feel frustrated with halal food products and services. Common halal certification falsification circulated among society is fake or misusing the halal logo and false claims about halal food products (Ruslan, Kamarulzaman, & Sanny, 2018). Due to the malpractice, these issues need government interference to avoid more *mafsadah*. On this occasion, the efforts that JAKIM has made are part of the *siyasah shar'iyah* (the best practice of the government to manage the country's administration in line with Shariah principles), where the government plays a vital role in governing the Malaysian halal food management system in line with the *halalan tayyibban* spirit. Zulkifli (2019) has addressed that the government has the right to limit the general rights of halal food manufacturers to preserve the *maslahah* of society.

Indeed, the power of the government to control the malpractices will safeguard the halal ecosystem in Malaysia. Thus, enforcing specific rules and regulations for halal food and beverage matters is significant in preserving the customers' rights. This practice could be supported as well with one of the legal maxims, "*tasarruf al-imam manut bi al-maslahah*" (the authority of the ruler over the ruled ones is made conditional on the enhancement of public welfare) where the consideration that the government has made is because of the needs to protect the society. Although some might opine that the halal certification process is tedious work and incurs money to obtain, the government's action by putting specific rules for the halal food areas is preferable because this could safeguard the rights of the stakeholders.

From this, it has shown that the *sadd al-dharai'* approach has been employed where the decision has been translated into regulation enforcement. Thus, food manufacturers must abide by the laws since they are the individuals who directly engage with food products. In this matter, precise regulation will educate Malaysian society not to easily take for granted the opportunities created due to the tremendous development of the halal food industry.

### 3.4 Fatwa Issuance

Fatwa plays a significant role in halal certification since it will influence the halal status of the final food products for Muslim consumption. In practice, the stakeholders that are involved directly in the halal certification process, like the food manufacturers and the food handlers, have to be knowledgeable enough about the rulings and requirements set by the relevant authorities because there is a possibility that they will deal with the vague status of the products involving tools to be used and the process itself during the chain of the food production. Therefore, the fatwas are perceived as the main requirement to justify the halal status of the food product, and the fatwa becomes the primary reference of the Malaysian halal food certification, namely MS1500:2019 Halal Food-General Requirements (Third Revision); Malaysian Halal Management System (MHMS) 2020 and Manual Prosedur Pensijilan Halal Malaysia (Domestik) 2020. Referring to the fatwa issuance from the Malaysian fatwa institution is vital to prevent haram elements like the swine origin and its derivatives, carcass, ritually unclean substance (*najis*), and any other matter haram matters from occurring throughout the halal food processing. The approach of *sadd al-dharai'* as a determinant to solve halal food issues has been employed in determining several food-related fatwa issuances. This application could be categorized based on the limited ingredients by putting specific parameters in it and using stunning tools in the halal slaughterhouse.

Firstly, putting the capping limit on certain food ingredients and their contents could be viewed in several fatwa segments. Based on the investigation of the several fatwas that are available on the website of JAKIM, most of the reasons why the jurists put certain parameters in the usage of the ingredients for the halal food products, although the sources of the food are halal because of the harmful elements. In the MS1500 (2019), for example, there are several clauses under 4.5.2, sources of halal food have clearly emphasized that halal food must be free from any poisonous, intoxicating, and hazardous elements to the health of humans although the origin of the food is permissible like aquatic animals, plants, microorganisms, minerals, and chemicals. On this occasion, this conforms to the Quran verse that emphasizes avoiding the *mafsadah*. As Allah says in surah al-Baqarah (2) verse 195, "*And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good.*" Therefore, when there is a possibility of harmful elements, there is a need for proper control of the usage even though the ingredients are from halal sources.

Based on the researchers' exploration, the capping limit in terms of the permitted level of the ingredients could be seen in several fatwas such as alcohol contents (JAKIM, 2011),

cochineal (JAKIM, 2012), and the stunning method before halal slaughtering (JAKIM, 2005). In the case of alcohol, the excerpts of the fatwas show that the Malaysian jurists unanimously agreed that alcohol that is not from the liquor-making process and the process is not making liquor is permissible for consumption. There are a series of fatwa issuance related to alcohol where the first discussion of alcohol in Malaysia started in 1984. This first fatwa was issued in a general form that only emphasized the permissibility of benefiting the alcohol derived from the non-liquor-making process (JAKIM, 1984). In sequence to this, another fatwa in 1988 stressed a similar issue but focused on alcohol as a stabilizer for the drinks. The fatwa has mentioned that the quantity of the flavour is small and does not lead to intoxicants (JAKIM, 1988).

In 2010, the Johor State Committee released a fatwa that mentioned that the percentage of permitted alcohol in food and drinks is less than 0.01%. Since then, there has been an evolution of the fatwa in terms of the permitted level; where the latest fatwa came out by Pahang and the National Fatwa Committee have divided into two different approaches, that is for the alcohol content in the soft drink is less than 1% v/v and for the alcohol, as a stabilizer is less than 0.5% from the final product. According to Jamaludin et al. (2016), the consideration of the percentage is due to the intoxicating reason where the determination is strengthened with persuasive scientific-based evidence. Although the basic ruling of alcohol is halal, it will be unfit for human consumption at a certain amount level, and therefore, the status changed to prohibition. This aligns with the fourth principle highlighted by al-Qardhawi (2009), "*the prohibition of things is due to their impurity and harmfulness*". In this context, the expert people in this area have acknowledged the harmful level of alcohol. In a nutshell, the cause of prohibition is to protect life (*hifz nafs*) and intellect (*hifz 'aql*) since many studies and cases have reported that the over-limit of alcohol content in the human body will lead to fatality.

Furthermore, the fatwa on cochineal, first issued by the National Fatwa Committee, has shown a similar approach of having a benchmark, particularly on the usage of cochineal as a food additive. Seemingly, there are three State Fatwa Committees, namely Pahang, 2012; Penang, 2013; and Sarawak, 2014, that have come out with a similar decision. However, no specific percentage of cochineal content in the food is mentioned in the *sighah* (form) of fatwas. The ruling relies totally on the specific determination level provided by the Ministry of Health. The sound of fatwa derived from the National Fatwa Committee is as follows.

*After examining the evidence, arguments and views presented, Muzakarah is of the view that cochineal is a harmless type of insect (female beetle) and the dyes produced from cochineal can be utilized by humans. In terms of federal legislation, the Food Regulations 1985 have stipulated that carmine dyes derived and produced from cochineal are permitted based on Good Manufacturing Practices (GMP).*

*Muzakarah also pointed out that Jumhur Fuqaha' agreed to stipulate that the carcass of an insect whose blood does not flow is sacred, and that cochineal dyes are obtained from dead cochineal insects whose blood does not flow.*

*Based on the ruling, Muzakarah agreed to decide that the use of cochineal dyes in food, beverages and consumer goods is allowed, and the rate of use allowed is in accordance with the ruling of the Ministry of Health Malaysia as long as it does not cause harm.*

(JAKIM, 2012)

The above fatwa shows that the Muslim jurists consider the Food Regulation 1985 and the Good Manufacturing Practices (GMP) as the main references to determine the legality of the cochineal content in food products. Scientifically, cochineal is under the category of E120 (e-code for food additive), where the level of permitted usage of cochineal is around 0.003% to 0.006% (Yanty, 2017). About this, a study conducted by Salleh, Ahmad, and Fadzillah (2020) and Pejabat Mufti Wilayah Persekutuan (2017) in the al-Kafi, no.505 have supported the decision whereby the majority (*jumhur*) of the scholars of the Maliki, Hanbali, and Hanafi, including a part of Shafi'e school of thoughts, agree that the carcass of the animal is pure and thus it is permissible to benefit from it. The permissibility of using the cochineal as the food additive is given with the condition to prevent the hazards that could endanger human health. Clause 13 and 13A of the Food Act (1983) have explicitly stated that no person can prepare and sell food that contains substances that are injurious to health where the quantity of the food is mentioned clearly, the food must be fit for human consumption and free from any elements that will give health hazards to the mass people. The permissibility with certain conditions in this scope of fatwa is based on the *sadd al-dharai'* principle.

Lastly, the Muslim jurists have thoroughly discussed stunning usage in the halal slaughterhouse. The stunning practice is considered contemporary, and it has recently been

introduced in halal slaughterhouses for the sustainability of halal meat and meat-based products to fulfil Muslim consumption demand. The original ruling of stunning is permissible, given that the method is only to make the animal unconscious before a proper slaughtering takes place (Ab Rahman, Ruzulan, & Muhammad Shahrin, 2014). Statistics from 2019 to 2020 have shown that meat is the most preferred type of food in Malaysia, leading to more dependability towards imported meat, which consists of goat meat (88.8%), beef (76.4%) and fresh milk (41.9%) (Department of Statistics Malaysia, 2020). Several challenges have been faced on this occasion, such as certain exporting countries making the stunning mandatory before ritual slaughtering due to animal welfare. Since the stunning is new and the classical jurists have not discussed it, there are variants of fatwa issuance on the status of the stunning adoption in the halal slaughterhouse. In Malaysia, only selected stunning methods are acceptable because the stunning method must be handled according to the time and strength of voltage specified in the fatwa (JAKIM, 2005). Among the acceptable stunning methods in Malaysia are electrical stunning from the bovine animal and water bath stunning for poultry such as chickens, birds and ducks.

The details of the fatwas are as follows (Table 1).

Table 1: The application of *sadd al-dharai'* in fatwa issuance

| No. | Fatwa            | Year | Permitted level   | Reason                            |
|-----|------------------|------|---|-----------------------------------|
| 1.  | Alcohol Contents | 2011 | <ul style="list-style-type: none"> <li>• Less than 1% v/v for soft drinks</li> <li>• Less than 0.5 in the final products if the flavor or coloring has been added to the food and drinks.</li> </ul>  | Intoxicating                      |
| 2.  | Cochineal        | 2012 | <ul style="list-style-type: none"> <li>• The percentage level based on the determination made by the Ministry of Health</li> </ul>  | Harmful                           |
| 3.  | Stunning         | 2005 | <ul style="list-style-type: none"> <li>• For the head, only stunner, the strength of the electric current must be controlled (not more than 0.75 ampere for goat, 2.0 ampere for cow and duration of an electrical volt is 3-6 seconds) under supervision by a certified Muslim employee.</li> <li>• For water bath stunning, the strength of the electric current will not make the poultry animal die.</li> </ul> | Avoid from animal becomes carcass |

Based on analysis of the highlighted fatwa, this paper has demonstrated that the jurists have put certain parameters for the said issues in the fatwa to preserve the right of Muslim consumers to get the *halalan tayibban* food. By default, the subject matter of the fatwas is originally permissible, but due to certain causes like the element of harmfulness and intoxication, it is permissible with certain conditions. This ensures that preserving life and religion becomes the utmost justification when the jurists want to issue legal rulings.

#### 4.0 CONCLUSION

This paper has proved that the *sadd al-dharai'* principle adopted during the *ijtihad* process plays a significant role in the halal certification process in Malaysia. The concerns and efforts of the federal and state governments to efficiently establish halal laws to govern halal activities could protect all the halal stakeholders and the ecosystem. Therefore, this study would like to propose a need to increase the numbers of research involving the expertise in the Shariah (Islamic law) with the expertise in the food-related fields that focus on the effect of certain types of food ingredients on human food consumption. This could help the consumers access the food that is not merely halal but genuinely *tayyib* based on the purview of *maqasid al-Shariah*. Besides, the roles of the National Fatwa Committee and the State Fatwa Committee to consider the reality of the halal industry by thoroughly examining and controlling the certain permissible (*mubah*) ingredients, the process and the tools used based on the expert opinion are accurate and in line with the *maqasid al-Shariah*.

#### REFERENCES

- Ab Rahman, S., Ruzulan, Z., & Muhammad Shahrim, A. K. (2014). Development of Islamic law: The application of 'urf in halal animal slaughtering practices. *Sains Humanika*, 1(1), 11-17.
- Abdulaziz, A. B. (2010). Al-Dhara'i'and Maqasid al-Shari'ah: A case study of Islamic insurance. *Intellectual Discourse*, 18(2), 261-281.
- al-Qardhawi, Y. (2009). *The lawful and the prohibited in Islam*. Islamic Book Trust.
- Ambali, A. R., & Bakar, A. N. (2014). People's awareness on halal foods and products: Potential issues for policy-makers. *Procedia-Social and Behavioral Sciences*, 121(1), 3-25.
- Battour, M., Hakimian, F., Ismail, M., & Boğan, E. (2018). The perception of non-Muslim tourists towards halal tourism evidence from Turkey and Malaysia. *Journal of Islamic Marketing*, 9(4), 823-840.

- Business Wire. (2020). Halal Food Market 2020-2024 - Increasing consumer expenditure on halal food to boost growth. <https://www.businesswire.com/news/home/20200519005637/en/Halal-Food-Market-2020-2024-Increasing-Consumer-Expenditure-on-Halal-Food-to-Boost-Growth-Technavio>
- Department of Statistics Malaysia. (2020). Malaysia trade statistics review (MTSR). [https://www.dosm.gov.my/v1/uploads/files/1\\_Articles\\_By\\_Themes/External\\_Sector/MTSR/Malaysia\\_Trade\\_Statistics\\_Review\\_Vol-1-2020.pdf](https://www.dosm.gov.my/v1/uploads/files/1_Articles_By_Themes/External_Sector/MTSR/Malaysia_Trade_Statistics_Review_Vol-1-2020.pdf)
- Ferrari, R. (2015). Writing narrative style literature reviews. *European Medical Writers Association*, 24(4), 230–235.
- Ibn Manzur, J. (2009). *Lisan al-Arab*. Darul al-Kutub al-Ilmiyyah.
- Hamzah, M. H. (2020). *The development of Shari'ah Compliant Hospital based on the principles of Maqasid al-Shari'ah*. (Unpublished master thesis). International Islamic University Malaysia.
- Halim, M. A. B. A., Mohd, K. W., Salleh, M. M. M., Yalawae, A., Omar, T. S. M. N. S., Ahmad, A., Ahmad, A.A., & Mohd Kashim, M. I. A. (2014). Consumer protection of halal products in Malaysia: A literature highlight. *Procedia-Social and Behavioral Sciences*, 121(1), 68-78.
- ISRA. (2010). *ISRA compendium for Islamic financial terms: Arabic-English*. ISRA
- JAKIM. (1984). Alkohol Menurut Pandangan Islam. <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/3>
- JAKIM. (1988). Alkohol Sebagai Penstabil Minuman Ringan. <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/3>
- JAKIM. (2005). Hukum Mengenai Stunning Haiwan. <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/3>
- JAKIM. (2011). Alkohol Dalam Makanan, Minuman, Pewangi Dan Ubat-Ubat. <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/pr/10281>
- JAKIM. (2012). Hukum Bahan Pewarna Cochineal: Kajian Semula Kadar Piawaian Yang Ditetapkan Oleh Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia. <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/pr/10301>
- Jamaludin, M. A., Hashim, D. M., Rahman, R. A., Ramli, M. A., Majid, M. Z. A., Othman, R., & Amin, A. (2016). Determination of permissible alcohol and vinegar in Shariah and scientific perspectives. *International Food Research Journal*, 23(6), 737-2743.

- Jeff, D. (2019). The countries with the 10 largest Christian populations and the 10 largest Muslim populations. Pew Research Center. <https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations/>
- Laldin, M. A., & Furqani, H. (2013). Developing Islamic finance in the framework of maqasid al-Shari'ah understanding the ends (maqasid) and the means (wasa'il). *International Journal of Islamic and Middle Eastern Finance and Management*, 6(4), 278-289.
- Manual Procedure for Malaysia Halal Certification (Domestic). (2020). <https://smarthalal.com.my/manual.php>
- Michael, L., & Conrad, H. (2017). Why Muslims are the world's fastest-growing religious group. Pew Research Center. <https://www.pewresearch.org/fact-tank/2017/04/06/why-muslims-are-the-worlds-fastest-growing-religious-group/>
- Mohamad Shafiq, M. A. (2018). *Application of nadariyyah al-dhari'ah (theory of means) on tawarruq (monetization): A comparative study between shari'ah standards of AAOIFI and Central Bank of Malaysia*. (Unpublished master thesis). International Islamic University Malaysia.
- Nurrulhidayah, A. F., Yaakob, C. M., Mohammad Aizat, J., Suhaimi, A. R., & Al-Kahtani, H. (2011). Halal food issues from Islamic and modern Science perspectives. *2nd International Conference on Humanities, Historical and Social Sciences*, 17(1), 159–163.
- Nyazee, I. A. (2003). Islamic law and human rights. *Islamabad Law Review*, 1(1&2), 13-64.
- Pejabat Mufti Wilayah Persekutuan. (2017). AL-KAFI #505: PEWARNA Merah gincu bibir yang diperbuat daripada cochineal. adakah halal?. <https://muftiwp.gov.my/artikel/al-kafi-li-al-fatawi/2085-al-kafi-505-pewarna-merah-gincu-bibir-yang-diperbuat-daripada-cochineal-adakah-halal>
- Ruslan, A. A. A., Kamarulzaman, N. H., & Sanny, M. (2018). Muslim consumers' awareness and perception of Halal food fraud. *International Food Research Journal*, 25(Suppl. 1), S87-S96.
- Ruzulan, Z., Ab Rahman, S., Saidon, R., & Fathullah Harun, H. M. (2020). Exploring the determinant factors of food related fatwa issuances based on 'Urf. *Environment-Behaviour Proceedings Journal*, 5(SI1), 233–238.
- Salleh, A. D., Kashim, M. I. A. M., Adnan, N. I. M., Ghani, N. A. R. N. A., & Jamsari, E. A. (2019). Theory and application of sadd al-dhara'i' (blocking the means) in Shafi'iyya school. *International Journal of Academic Research in Business and Social Sciences*, 9(1), 724-737.



- Salleh, M. M. M., Ahmad, N. M., & Fadzillah, N. A. (2020). Pewarna makanan dari serangga (cochineal) menurut perspektif halal: Analisis fatwa di beberapa negara ASEAN. *Journal of Fatwa Management and Research*, 19(1), 1-14.
- Sistem Pengurusan Halal Malaysia (MHMS). (2020). <https://smarthalal.com.my/manual.php>
- Yanty, N. A. M. (2017). Makna kode dalam makanan. <http://psasir.upm.edu.my/id/eprint/59882/1/Makna%20kode%20dalam%20makanan.pdf>
- Zulkifli, A. M. (2019, July 29). '70 pct non-Muslim owned' halal industry: New website helps Malaysians 'Buy Muslim First'. *Salam Gateway*. <https://salaamgateway.com/story/70-pct-non-muslim-owned-halal-industry-new-website-helps-malaysians-buy-muslim-first>