

Malaysian Halal Laws: Issues and Challenges

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Abstract: The rapid growth of the halal industry in Malaysia has led to the development of halal law here. The Trade Descriptions Act 2011, the Trade Descriptions Order (Certification and Halal Labelling's) 2011, the Trade Descriptions (Definition of Halal) Regulations 2011 and Trade Descriptions (Certification and Halal Labelling fees) 2011 were streamline to the laws relating to halal in Malaysia. In addition, there are a number of laws that indirectly contain provisions relating to halal including the Food Act 1983, Food Regulations 1985, the Animal Act 1953 (Revised 2006), Animals Regulations 1962, the Local Government Act 1976 and the by-Laws of the Local Authorities Act, Consumer Protection 1999, the Customs Act 1967, as well as the Syariah Criminal Offences Act. This study aims to identify some of the issues and legal challenges in the halal scenario in Malaysia. To conduct this study, the analysis is made on the provisions of Malaysia legislation in several acts related to the halal industry. Semi-structured in-depth interviews were also conducted on the two bodies involved in the halal industry, the Department of Islamic Development Malaysia (JAKIM) and the Halal Industry Development Corporation (HDC). The study found that although laws relating to food and halal products in Malaysia are under different acts but that provision is seen as sufficient. In addition there are some legal halal issues in Malaysia are noteworthy like the overlapping of jurisdiction among government agencies, the misuse of the halal logo as a Syariah criminal offense, law enforcement and drafting of the halal Malaysian Halal Act. The results of this study are significant in suggesting improvements to the existing legislation on the food and halal products in Malaysia.

Key words: Halal law, legal provisions, issues, challenges, improvements, products

INTRODUCTION

The halal industry is increasingly in high demand, not only in Malaysia but in several countries around the world as well. This is due to the probability of the number of the world's population is expected to increase (Ghazali and Sawaria, 2015) with more than 57 countries worldwide that the majority of their population are Muslims. The average global community now increasingly understands the halal concept brought by Islam that is known as a universal and comprehensive religion and not merely centres on religious ritual.

The Malaysian halal law developed in line with the rapid growth of the halal industry in the country. The relevant of halal provisions in Malaysia is administered under the Trade Descriptions Act 2011 (Zakaria and Ismail, 2014, 2015). In addition, there are some other legislation relating to halal as referred to the Trade Descriptions (Certification and Halal Labelling's) 2011, the Trade Descriptions (Definition of Halal) 2011, Regulations

Trade Descriptions the Food Act 1983, Regulation Food 1985, the Animal Act 1953 (Revised 2006), Animals Regulations, 1962, Animals Order (Importation) 1962, the Abattoirs (Privatization) Act 1993, the National Livestock Development Authority (Dissolution) Act 1983, the Local Government Act 1976, Local Authorities Act, the Consumer Protection Act 1999, the Customs Act 1967, Syariah Criminal Offences Enactment and several other acts.

Several halal standards and procedures are introduced in Malaysia to help the industry to comply with the guidelines thoroughly the Manual Procedure of Halal Certification Malaysia, MS 1500: 2009 Halal Food-Production, Preparation, Handling and Storage-General Guidelines (Second Revision), EN 2200-1: 2008 Islamic Consumer Goods-Part 1: Cosmetic and Personal Care, General Guidelines, EN 2400-1: 2010 Halalan-Toyyiban Assurance Pipeline-Part 1: Management System Requirements for Transportation of Goods and/or Cargo Chain Services and MS 2400-2: 2010 Halalan-Toyyiban

Assurance Pipeline-Part 1: Requirements for Warehousing Management System and Related Activities (Waste and Mahmud, 2012).

Since 1974, JAKIM has been involved in the verification of the halal status of food products and consumables Islam in Malaysia. The Department of Islamic Development Malaysia (JAKIM) and Council/State Islamic Religious Department (MAIN/JAIN) function as the responsible authoritative bodies in the affairs of halal in Malaysia (Halim and Ahmad, 2014) that also received support from other government agencies in enforcing halal laws such as the Ministry of Domestic Trade, Cooperatives and Consumerism Ministry (KPDNKK), the Department of Standards Malaysia, the Department of Veterinary Services, Ministry of Health (MOH), the Royal Malaysian Customs Department (RMC) and the Local Authorities (LA). In addition, there is also collaboration with the Halal Industry Development Corporation (HDC) or in developing the Malaysian halal industry in line with the efforts to make Malaysia a leading international halal hub.

This study aims to identify some of the issues and legal challenges of the Malaysian halal scenario that further proposed improvements on the existing legislation on food and halal products in Malaysia in the future.

MATERIALS AND METHODS

This study is conducted through data analysis. The initial analysis is done by examining at the legal provisions in various laws related to the halal industry in Malaysia. Transcriptions of the semi-structured in-depth interviews conducted with the Department of Islamic Development Malaysia (JAKIM) and the Halal Industry Development Corporation (HDC) are analysed in order to answer a number of legislative issues of the halal industry in Malaysia. However, this analysis does not include standards and procedures adopted in the Malaysia's halal certification but it is also limited to a few major acts as well as discussing several issues only. Interviews are also conducted on the two main bodies involved in the halal industry in Malaysia, JAKIM and HDC.

RESULTS AND DISCUSSION

Malaysian halal laws: There are >20 halal related acts that can be referred to in Malaysia (Zaina *et al.*, 2015). However, this discussion will only point out the few major acts such as the Trade Descriptions Act 2011, the Trade Descriptions (Certification and Halal Labelings) 2011, the Trade Descriptions (Definition of Halal) 2011, the Food Act 1983 and the Food Regulations 1985 and Food

Hygiene Regulations 2009, the Animals Act 1953 (Revised 2006), the Animals Order (Importation) 1962, the Abattoirs (Privatization) Act 1993, the Local Government Act 1976, Laws of Local Authorities, the Customs Act 1967, the Consumer Protection Act 1999, Penal Code and several State Syariah Criminal Offences Enactments.

Trade Descriptions Act 2011: The Trade Descriptions Act 2011 (TDA 2011) was enacted to replace the Trade Descriptions Act 1972. This act is under the jurisdiction of the Ministry of Domestic Trade, Cooperatives and Consumerism Ministry (KPDNKK). The main objective of the TDA 2011 is to promote good trade practices by prohibiting false or misleading trade descriptions in relation to the supply of halal goods and services and to provide the matters connected therewith (Halim and Ahmad, 2014; Zakaria and Ismail, 2015).

Under the Section 28 and 29 of the TDA 2011, three orders have been established, namely the Trade Descriptions Order (Certification and Halal Labelling) 2011, the Trade Descriptions (Definition of Halal) Regulations 2011 and Trade Descriptions (Certification and Halal Labelling) 2011 (Waste and Mahmud, 2012). This is to replace the two previous directives, namely the Trade Descriptions (Halal Debate usage) Order 1975 and the Trade Descriptions (Food Labelling Fees) 1975. Section 29 of the TDA 2011 also provide a space for the creation of institutional mechanisms to manage and control the affairs related to the certification of halal (Wahab and Azhar, 2014) in which the Minister may nominate authorities to certify, mark, supply or offer items related to halal certification.

The amendment of TDA 2011 has given a new impetus to Malaysia's halal laws. The improvements made to the definition of halal are now more comprehensive and the standardization of halal certification and logo by competent authorities, namely JAKIM and MAIN/JAIN. The amendment of TDA 2011 also expanded the jurisdiction of JAKIM officials in the monitoring and enforcement of the law against manufacturers who abuse the halal logo on their products in which JAKIM and MAIN/JAIN officials are appointed as a Trade Descriptions Assistant who are given an authorization card by KPDNKK. The penalties are more severe as a lesson to companies or entrepreneurs who commit offenses under these orders (Zakaria, 2004).

JAKIM is also authorized with the prosecution power similar to KPDNKK rather than just a witness before the amendments made to the TDA 2011. The prosecution will be conducted in a civil court under the provisions of the law under the TDA 2011 and other related civil laws. The prosecution is made in civil courts is broader because its

jurisdiction include both Muslim and non-Muslim communities. Besides, the punishments are more severe than that of the jurisdiction of Syariah courts. For offenses related to halal products that are classified as Syariah criminal offenses with the prosecution power authorized to the Chief State Prosecutor. The prosecution is becoming increasingly easy for JAKIM when Paragraph 4 (3) of the Trade Descriptions (Definition of Halal) Order 2011 provides that the burden of proof is the responsibility of the accused in which the defendant must prove that they are innocent of these offences.

Trade Descriptions (Definition of Halal) 2011: The Trade Descriptions (Definition of Halal), 2011 (here in after referred to as the Definition of Halal Order) contains provisions relating to the definition of halal and instances of the offences including, misuse, deception, confusion and its penalties. Paragraph 3 defines halal products as products that does not contain parts or products from animals that are forbidden or are not slaughtered according to Islamic laws and fatwa requirements, does not contain impurities or excrement, is not intoxicating, does not contain parts or members of humans, is not toxic or injurious to health, not prepared, processed or manufactured using equipment contaminated with feces and did not come into contact, mixed with or in the vicinity of anything that is not halal during the preparation, processing or storage of the product. This definition lies true to the concept of halalan tayyiban and Islamic law (Wahab and Azhar, 2014). In fact the definition is more comprehensive when accounting for food, non-food products and related services compared to the Trade Descriptions (Usage for the Halal Debate) 1975 which is limited only to food.

Paragraph 4 of the Definition of Halal has banned any form of representation or action that may mislead or confuse something to be thought of as halal food or can be consumed by Muslims. For example, premises offering food, goods or services which are not halal but its employees wear a skullcap, a songkok or headscarf as commonly used by Muslims or to place the word "Allah" and "Bismillah" at a restaurant which indirectly implies that the food served is halal for Muslim consumers (Wahab and Azhar, 2014) although, the fact is otherwise. These practices can mislead or deceive Muslims as to the halal status of the goods and services offered by the premise (Wahab and Azhar, 2014).

Meanwhile, the penalty that may be imposed on companies that commit an offense under Paragraph 4 Definition of Halal Order is more severe which includes a fine not exceeding RM5 million and for a second or subsequent offender, not more than 10 mln. The penalty for an individual is a fine not exceeding RM1 million and

imprisonment not exceeding 3 years or both. For a second or subsequent offender it will amount to a fine not exceeding 5 mln. and imprisonment not exceeding 5 years or both.

Trade Descriptions (Halal Certification and Labelling)

2011: Paragraph 3 of the Trade Descriptions (Halal Certification and Labelling), 2011 (hereinafter, referred to as Halal Labelling Order) has been named the Department of Islamic Development Malaysia (JAKIM) and State Islamic Religious Council (MAIN) as the reputable halal certification agencies of Malaysia (Waste and Mahmood, 2012) who will recommend and certify food, goods and services as lawful and halal according to the Definition of Halal Order 2011. These provisions will prevent entrepreneurs from misusing the halal certificate and logo. The standardization of halal logos can facilitate the choosing of proper halal products on the market by Muslims.

The Halal Labelling Order has introduced two methods in making recommendations regarding halal food and imported goods sold in Malaysia (Wahab and Azhar, 2014). First, the importers of goods can get their halal certification from JAKIM or MAIN and their product can be marked with this body's halal logo. The Halal certificate can also be obtained from overseas halal certification bodies and producer countries recognized by JAKIM such as Australia, New Zealand, Belgium, China, Japan and Indonesia (Wahab and Azhar, 2014).

Violation of any provision by any party who is deemed to have committed an offense will be held under the provisions of Paragraph 8 (a) Halal Labelling Order. If convicted, the company which committed the offense will be fined not more than RM200,000 for the first offense while for a second or subsequent offense the fine is not more than RM 500,000. The penalty for an individual is a fine not exceeding RM 100,000 or imprisonment for a term not exceeding 3 years or both. For a second or subsequent offense a fine not exceeding 250,000 or imprisonment not exceeding 5 years or both will be imposed.

Food Act 1983: The Food Act 1983 and regulations such as the Food Regulations 1985 and Food Hygiene Regulations 2009, serves as legislation that is protecting consumers by ensuring that any food supplied cannot contain elements that are harmful to health either in terms of food preparation, sale and consumption of a certain foodstuff. This act empowers the Ministry of Health (MOH) to monitor the labeling of food, hygiene and food safety; making sure the food does not contain substances harmful to health and is suitable for human consumption (Wahab and Azhar, 2014).

Section 13 (1), for example, provisions for a ban on the supply or sale of harmful food. While Section 16 prohibits the preparation, packaging, labeling and sale of any food that is wrong, misleading and there are elements of fraud in terms of its character, value, content, quality, safety, authenticity, weight and others. Although, the halal issue is not mentioned explicitly in the act but that provision also takes into account the aspect of cleanliness, purity, health and quality of foods that meet halal standards as part of the halalan tayyiban concept (Wahab and Azhar, 2014).

Food Regulations 1985: The Food Regulations 1985 (hereinafter, referred to as the food regulations) contains rules relating to the procedures for sampling, labelling, packaging and so on. Among the areas of concern in Food Regulation are matters of food labelling, the language used, the labelling details, form and manner of labelling, size and colour of the letters, labelling date, a statement of the strength of the ingredients, packaging in retail premises and what is prohibited. Although, halal labelling is not covered in these rules but indirectly it also touches on the description of halal (Wahab and Azhar, 2014) as set out in the Trade Descriptions (Halal Certification and Labelling) 2011.

Food Hygiene Regulations 2009: Food Hygiene Regulations 2009 (hereinafter, referred to as the Food Hygiene Regulations) prescribe matters relating to food hygiene including food premises used in the preparation, preservation, packaging, storage, shipment, distribution or sale of any food such as factories, restaurants and food truck. These regulations also include relabelling, reprocessing or reconditioning of food. This rule is also relevant in discussing matters related to the concept of halalan uayyiban when hygiene and health concern, including the premises of a food preparation and processing (Wahab and Azhar, 2014).

Animals Act 1953 (Revised 2006): This act, together with the Abattoirs (Privatization) Act 1993 and its regulations such as the Animal Regulations 1962 and the Animals (Importation) Order 1962 has empowered the Ministry of Health (MOH) and the Department of Veterinary Services (DVS) of the Ministry of Agriculture and Agro-based Industry on farming and animal disease control, especially for the halal certificate application process for meat imports. This is because, being a requirement that a slaughterhouse outside the country have received recognition for the importation of beef to Malaysia, the Ministry of Health's role is to confirm the safety of the slaughterhouse abroad who have applied for recognition of Halal certification abroad.

Before all meat imported into Malaysia is recognized as Halal, three officers from Malaysia will visit the slaughterhouse; officials of the VSD will examine the situation of livestock, officials from the Ministry of Health (MOH) will examine the safety of animal feed as well as officers from JAKIM will ensure that procedures are in accordance with Islamic law slaughter.

Customs Act 1967: The Customs Act 1967 and the Customs (Prohibition of Imports) Order 1988 have empowered the Royal Malaysian Customs on the issue of the importation and the entry of halal products from abroad which has been tabulated in table, the Customs (Prohibited Imports) Regulations 1988. JAKIM has been allowed to make the recognition of foreign halal certification body to verify the halal status of sources of raw materials and finished or semi-finished products issued by certain countries for the purpose of importation. Importers or manufacturers of products certified as halal by overseas halal certification bodies recognized by JAKIM shall mark the product with the halal logo or the name of the certification body.

Local Government Act 1976: Local Government Act 1976 and the by-laws of local authorities such as the Food Premises, Licensing and Advertising Regulation gives jurisdiction to the local authorities in ensuring the cleanliness of food premises. Each trader must ensure that the premises and the food sold are clean. Indirectly, the local authorities can help to promote the virtues of halal products which should include health aspects, hygiene and safety, nutrition and quality.

State Syariah Criminal Enactment: There are criminal offense laws under Syariah state laws that provide for the offense of abuse of the halal logo (Hamid *et al.*, 2011). Among which is the Syariah Criminal Offences (Federal Territories) Act 1997 which provides for the labelling of halal food being placed under the Islamic Religious Affairs Department where these religious officers has jurisdiction for the enforcement of this law.

Section 42 of the Syariah Criminal Offences (Federal Territories) Act 1997 already provides for such punishment to any individual exhibiting any food or drink that is not halal with any sign indicating that the food or drink is halal. If an individual is convicted, they are subject to a fine not exceeding RM5,000 or imprisonment not exceeding three years or both.

In addition, Section 59 (6) of the Syariah Criminal Offences (State of Sabah) 1995 has additional provisions; when slaughtering halal animals without the permission of the Sabah State Islamic Council is also an offense which

is punishable by a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding 6 months or both.

Consumer Protection Act 1999: The Act provides legal protection to the consumer in addition to the Sale of Goods Act 1957 and Contracts Act 1950. Sections 8 and 10 of this act states that any act which can cause consumers to be confused with fraud or misrepresentation with relations to any halal label on any product is an offense which carries a fine not exceeding RM250,000 for the first offense and RM500,000 for the second offense. The act indirectly affects matters related to halal labelling.

Penal code: The penal code is also a law that is not directly attributable to the halal products. Section 415 provides for the instances of when dishonest people attract others to buy and pay for goods produced by them, thus this is considered as fraud and is liable to imprisonment not exceeding 5 years or a fine or both.

Issues and challenges

Inter-agency overlap of jurisdiction: The two main agencies that are often associated with halal certification in Malaysia are the Malaysian Islamic Development Department (JAKIM) and the Halal Industry Development Corporation (HDC). Both these agencies play a very important role in the Malaysian Halal industry. JAKIM's Jurisdiction is more focused to halal certification and compliance with halal standards while HDC is focused on the development of the local and global halal industry and the marketing of halal products.

JAKIM is generally known as the body involved in Halal certification and enforcement in Malaysia. But the fact is that JAKIM is not a stand-alone body and is supported by several other agencies in which each agency has a role, jurisdiction and legislation by itself (Zaina *et al.*, 2015). Among the agencies involved are the Ministry of Domestic Trade, Cooperatives and Consumerism Ministry, State Islamic Religious Council (MAIN) and State Islamic Religious Department (JAIN), Ministry of Health (MOH), the Department of Veterinary Services (DVS), Royal Malaysian Customs (RMC) and Local Authorities (LAs).

This indicates there is no special law or source act that can be referred to with regards to halal issues. Existing legislation is separate from each other (Zakaria, 2014; Zaina *et al.*, 2015). So, every agency should be involved in halal law enforcement and should work to enhance mutual understanding and cooperation based on the provisions of the law under their respective agencies. In addition, there are technical issues that were raised by

Hamid *et al.* (2011), Former Chief Justice regarding the confusion of the scope of the State Islamic Religious Departments (JAIN) and State Islamic Religious Council (MAIN). Paragraph 3 of the Trade Descriptions (Halal Certification and Labelling) 2011, appointed MAIN as the competent authority in addition to JAKIM. But in the Malaysian Halal Certification Circular No. 2 of 2014 (the latest relevant circular on halal certification), the competent authorities are MAIN or JAIN. According to him, MAIN and JAIN are different identity. MAIN is a corporation formed by the Islamic Religious Administration State Enactment while JAIN is a department of the state government and just as in the case of JAKIM is placed in a department under the federal government. Therefore, the appointment as the competent authority should be clearly stated in the Malaysian Halal Certification Circular to avoid confusion or overlapping of jurisdiction in the future, even in a technical sense.

Misuse of the halal logo as part of the Syariah criminal offences: Halal is one of the aspects of trade under APD 2011 and is under the jurisdiction of the Ministry of Trade (Hamid *et al.*, 2015). It is allocated under the federal jurisdiction and not under List II of the Ninth Schedule of the Federal Constitution in the jurisdiction of the State. Although, there are legislations under the state Syariah criminal offense for the abuse of the halal logo as per Section 42 of the Syariah Criminal Offences (Federal Territories) Act 1997 but the penalties imposed on offenders are insufficient, as Syariah punishment for the offense is too low, a fine not exceeding RM5,000 compared to RM10 million under TDA 2011. In addition, the Syariah courts only have jurisdiction over persons professing the religion of Islam. And undoubtedly, this provision does not apply to non-Muslims and companies owned by them.

Halal law enforcement: Prior to the amendment of the TDA 2011, law enforcement against offenses related to halal products were less efficient and difficult to implement because it is run by two different bodies. JAKIM only acts as an observer, confirming offenses and witnesses while prosecution can only be done by the ministry. Although, the authority card has been given by the ministry to some JAKIM officers, the authority card only allows JAKIM officials to enter premises of companies to conduct investigations and inspections. But it does not entitle JAKIM or JAIN to prosecute them.

TDA 2011 gave power to JAKIM and MAIN where JAKIM officers have been appointed as Assistant Controller of Trade Descriptions and given an authority card to warn, suspend or revoke business licenses. The

authority card has given JAKIM officials the same powers as an enforcement officer ministry. However, to obtain a conviction, investigation and prosecution carried out must be efficient and robust (Hamid *et al.*, 2011).

The biggest challenge faced by JAKIM, is that JAKIM officials who are involved in the prosecution must have the qualifications to work in the civil court because the prosecution authority with regards to halal products are placed under the jurisdiction of the Civil Court. They should be exposed to the procedures regarding the monitoring, investigations, raids and related laws such as the Evidence Act and the Criminal Procedure Code (Halim and Ahmad, 2014) in addition to attending courses organized by the Ministry of prosecution.

But until today there has been no prosecutions conducted by JAKIM officials on halal cases. Most of the prosecuted cases was conducted by the ministry. This means that the investigation and prosecution by JAKIM has yet to be tested (Hamid *et al.*, 2011). For the offense of the abuse of the halal logo under Section 42 of the Syariah Criminal Offences (Federal Territories) Act 1997, it is stated that the power to prosecute lies with the Chief Prosecutor. The question is whether the power of prosecution granted to the JAKIM officials can actually be realized?

Enacting the Malaysian Halal Act: Malaysia is a country that has been the pioneer in spearheading the halal industry (Zakaria, 2008) in the Asean Region. When the Law of the Republic of Indonesia Number 33 2014 which is a special law approving the halal product assurance in Indonesia in early January of 2015, since then the republic has taken a step forward in the field of halal laws. However, the law will only be fully implemented after 3 years from the date it was approved. But with the existence of a specific law on halal products a number of issues regarding halal can be handled properly. The debate on the drafting of the Malaysian Halal Act has started since 2010. The Malaysian government has announced to draft a Halal Act for the purpose of coordinating and strengthening the legal provisions concerning the processes, procedures and controlling of the halal certification in the presentation of the budget in 2010 (Waste and Mahmud, 2012). But until today, the Act has yet to be tabled in parliament to become a law (Waste and Mahmud, 2012).

The proposed Halal Act, among others, aims to give absolute power to JAKIM in the monitoring of the halal certification and law enforcement (Zakaria, 2004). With the powers conferred, several initiatives can be done by JAKIM such as making it compulsory for companies, individuals, factories and abattoirs to obtain and use the halal logo (Zakaria, 2004). So far the application of halal certificate and logo is done voluntarily. In addition,

placing full-time religious officials who are paid to supervise the process of halal food production can more effectively prevent the misuse of the halal certificate and logo and its confusing the Muslims when it comes to choices (Zakaria, 2004). Next is the making it compulsory for manufacturers to put labels on every product produced from materials that are not halal for Muslim consumers to avoid products that are not halal (Zakaria, 2004). Even abattoir operators are required to attend courses that follow the processes of Islamic slaughter (Zakaria, 2004).

In addition, the Act aims to coordinate a number of matters related to the halal which has so far been under the jurisdiction of various ministries and government agencies such as the Ministry of Health, Ministry of Agriculture, Customs and local authorities (Waste and Mahmud, 2012). JAKIM officials are expected to have its own jurisdiction and no longer need to rely on the KPDNKK (Zakaria, 2004). As an authoritative body in halal certification, JAKIM must not only have the power of enforcement but also the power over control, inspection, monitoring, halal education law (Zakaria, 2004) and awareness programs for manufacturers and consumers.

However, according to JAKIM, the existing laws are adequate to deal with issues relating to the halal industry in Malaysia. In fact, there is no urgent need to enact a special act relating to halal.

However, from the interview conducted, the HDC will welcome the proposal to establish a Halal Act but this act must focus on the halal industry as a whole. Halal issues should go beyond the law existing because basically there are four key points to be considered when it comes to halal food products, namely the aspect of health, hygiene and safety, nutrition and quality.

The formulation of the Halal Act has limitations of its own. Among the issues expected to arise is when the matter involves constitutional issues related to the Islamic religion is that it will be placed under the jurisdiction of the state. A high understanding and compromise between states is needed if all parties want to see the proposed Halal Act became law that can be enforced efficiently (Waste and Mahmud, 2012) because the proposed Halal Act will be viewed as an effort to usurp some of the inherent powers in the relevant agencies to be fully placed under JAKIM (Waste and Mahmud, 2012).

Meanwhile, one proposal is to establish a Halal Commission which will work to regulate and monitor all matters relating to Halal and at the same time carry out regular monitoring of halal products on the market. Indirectly, this Halal Commission can upgrade the functions and roles and JAIN and the Halal Hub Division of JAKIM.

CONCLUSION

Although, the laws relating to food and halal products in Malaysia is not exhaustive and is placed under varying acts but that provision is seen as sufficient. But some noteworthy improvements such as enhancing mutual understanding and cooperation between agencies involved in law enforcement based on the provisions of the law under their respective agencies, clarifying the function of JAIN and MAIN in helping JAKIM, the realization of prosecutorial powers granted to JAKIM officers and the drafting of a Halal Act in the future. The academic proposal in this study is the creation of a Halal Commission that will serve to regulate and monitor all matters relating to Halal and conduct regular monitoring of halal products on the market which are also considered relevant. The halal issues that arise from time to time need to be addressed properly in order to ensure that the halal industry is able to move forward and thrive in Malaysia.

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REFERENCES

- Ghazali, M.A.I. and S.S.M. Sawaria, 2015. [Standard Malaysian halal standards by legislation, advantages and disadvantages (In Malay)]. *Intl. J. Islamic Civilizational Stud.*, 2: 56-61.
- Halim, M.A.A. and A.A. Ahmad, 2014. Enforcement of consumer protection laws on halal products: Malaysian experience. *Asian Soc. Sci.*, 10: 9-14.
- Hamid, N.A., N.A. Pauzai and S.N.A.S. Nong, 2011. [Consumerism concept and its application in accordance with Syariah Law in Malaysia (In Malay)]. *Law*, 23: 1-20.
- Wahab, H.A. and A. Azhar, 2014. [Legal framework halalanTayyiban in Malaysia (In Malay)]. *Law*, 1: 103-120.
- Waste, A.H. and Z. Mahmud, 2012. Issues and challenges in the Malaysian halal certification body. *Syariah J.*, 20: 271-288.
- Zaina, C.R.C.M., A.B.S. Rahmanb, Z.M. Ishanc and A.B.S. Azizd, 2015. Jurisdiction and prosecution of halal related matters in Malaysia: Challenges and prospects. *Procedia Soc. Behav. Sci.*, 172: 294-300.
- Zakaria, Z. and S.Z. Ismail, 2014. The trade description act 2011: Regulating halal in Malaysia. *Proceedings of the International Conference on Law, Management and Humanities (ICLMH14)*, June 21-22, 2014, EPrints, Bangkok, Thailand, pp: 8-9.
- Zakaria, Z. and S.Z. Ismail, 2015. [Through setting up with halal trade descriptions act 2011 in Malaysia (In Malay)]. *Syariah J.*, 23: 189-216.
- Zakaria, Z., 2004. Legal effectiveness halal food and products in Malaysia. *Syariah J.*, 12: 95-106.
- Zakaria, Z., 2008. [Tapping into the world halal market: Some discussions on Malaysian laws and standards (In Malay)]. *Shariah J.*, 16: 603-616.