

Halal Food in South East Asia: Are We Looking Forward?

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ABSTRACT

Southeast Asian countries consist of several countries with a majority Muslim population, such as Indonesia, Brunei Darussalam and Malaysia. As Muslims, finding and obtaining halal food is a must. Consumers have the right to know the halal-ness of a product. Meanwhile, the government is obliged to provide halal certification of a product. Some time ago, an issue emerged about the circulation of non-halal food from outside ASEAN in the form of instant noodles. In fact, some processed products from several ASEAN countries also do not have halal certification, even though these products are distributed in Muslim-majority countries. Based on these conditions, in this paper we will discuss in depth two issues, namely: (1) the problem of the distribution of non-halal food in ASEAN; and (2) legal protection of countries in the ASEAN region for halal certification of food for their citizens

Keywords: *South East Asia, halal food, legal protection*

1. INTRODUCTION

Indonesia is the country with the largest population in the world under China, India and the United States. The total population of Indonesia based on the survey as of 1 July 2019 is 268,074,600 inhabitants [1]. Of that total population, around 222 million people in Indonesia are Muslim [2]. This number is still higher than Pakistan (195 million), India (183 million), Bangladesh (149 million) and Egypt (82 million) [2]. The high Muslim population in Indonesia has an impact on several aspects of national and state life, including those related to rules and legal products that are binding for the Muslim population itself.

Muslims in Indonesia need legal certainty related to strategic issues, such as halal food and other matters related to muamalah. Unfortunately, the government often ignores the needs of Muslims. For example through Regulation of the Ministry of Trade (Permendag) Number 29 of 2019 concerning Provisions on the Export and Import of Animals and Animal Products. This regulation replaces the Regulation of the Minister of Trade Number 59 of 2016. In the latest Regulation of the Minister of Trade, imports of animal products are no longer required to include the halal label as previously regulated in the Regulation of the Minister of Trade Number 59 of 2016.

The latest Minister of Trade Regulation legally contradicts the obligation to include halal labels and certificates in Article 4 of Law Number 33 of 2014 concerning Halal Product Guarantees and Article 2 of Government Regulation Number 31 of 2019 concerning Implementation Regulations of Law No. 33 of 2014 concerning Halal Product Guarantees. This condition clearly makes Muslims in Indonesia feel doubt about the halal import

of animal products they consume. In addition, there are also contradictions in regulations that bias the principle of legal certainty related to the halal certification of imported animal products.

Another phenomenon is the Majelis Ulama Indonesia (MUI) fatwa regarding the issuance of halal certification of Zoya branded hijab products. The issuance of halal certification refers to the provisions of Law Number 33 of 2014 Regarding Halal Product Guarantee. The Creative Director of Shafira Corporation which is the parent of the Zoya brand said that the halal certification was issued by the MUI on the basis that the products or materials used to make Zoya headscarves came from halal materials [3].

As it is known, that to determine a halal product status and obtain MUI halal certification, the producer must go through a series of halal product determination processes. The determination of the halal product as stated in Part Four of Article 33 of Law Number 33 of 2014, is carried out through a series of processes, one of which is the MUI halal fatwa session which invites experts, intellectuals and other competent parties. The phenomenon of MUI halal certification in Zoya hijab products then becomes a discourse in the middle of academics, whether Zoya hijab products are only halal status while other hijabs are non-halal, only because other hijab products are not MUI certified.

In addition to the Permendag phenomenon related to the halal certification of imported animal products and the MUI halal fatwa on Zoya headscarves, some time before, imported instant noodles were also found circulating in minimarkets without halal labels. Not only in Indonesia, in the ASEAN region, especially in countries with a majority Muslim population such as in Malaysia or Brunei Darussalam, the circulation of non-halal food products also needs attention. Such as dairy

chocolate processed products under the brand Cadbury which are produced in Malaysia and imported by Indonesia, are thought to contain non-halal elements or ingredients. In fact, the population in these countries is a Muslim majority, so that the guarantee of halal food products becomes a very important thing.

On the other hand, countries such as Japan, Australia, New Zealand and even America or Europe were competing to provide halal food products or commonly known Muslim meal [4]. Countries outside ASEAN see halal food products as attractive business commodities, especially supported by halal lifestyles. Meanwhile, countries in the ASEAN region only see halal food products as an effort to meet the needs of the domestic market only. Therefore, a concrete study is needed to discuss this. From the background of the above problems, the author tries to discuss two things, (1) the problem of the distribution of non-halal food in ASEAN; and (2) legal protection of countries in the ASEAN region for halal certification of food for their citizens

2. BACKGROUND

2.1 DISTRIBUTION OF NON-HALAL FOODS IN SOUTH EAST ASIA

As a Muslim, getting halal food is a must. In modern markets or restaurants, halal food can be identified through the halal label listed on the packaging. Halal certification is not merely to protect Muslim consumers from un-halal products but also to take a role in strengthening local competitiveness for halal products in the international market [5]. The Muslim consumers have sufficient knowledge on what halal product is [6]. Unfortunately, not all countries can guarantee halal food circulation for their citizens. Some countries in ASEAN, for example, have just released the halal logo for their food products. In fact, there are countries in ASEAN which do not have halal certification bodies and halal logos. This condition is certainly worrying, especially for Muslims, both local residents and tourists. The author identifies several cases related to the distribution of non-halal food in ASEAN countries, especially in countries with a majority Muslim population.

First, Indonesia. There are several cases related to the circulation of non-halal food which had disturbed the people in Indonesia. Such as the distribution of Cadbury brand chocolate imported from Malaysia which is suspected to contain pig elements and does not yet have halal label / certification from MUI. However, the viral perfect news in 2014 was finally clarified by BPOM and LPPOM MUI and stated that Cadbury products that contain pig elements did not enter Indonesia and only circulated in their home country, Malaysia [7]. Besides chocolate, there are also imported instant noodle products that are thought to contain pork DNA with the brand Samyang. The product was imported from South Korea and has not yet received halal certification. However, there are also those that have been halal certified [8]. There is also a snack of the Pocky brand which had doubts about its halal nature. This is caused by Pocky products in Japan which are declared to contain pig elements, but in Indonesia the product is declared halal and is certified by MUI [9].

In addition to processed food products, there are also several restaurants whose halal status is doubtful. This is related to the use of the element of pork, sake or its essence and other non-halal ingredients. Like Sushi Tei, whose doubt was halal because it contains mirin (like sake) [10]. Although finally, by substituted of mirin products, Sushi Tei can be obtained halal

certification from MUI [11]. Not only restaurants or fast food restaurants, some roadside food stalls or street foods are also suspected of deliberately replacing halal raw materials with non-halal for economic reasons. The circulation of food products and restaurants that contain halal compounds / elements in Indonesia is indeed difficult to trace. It takes public awareness to actively participate by asking directly to the waiter or chef.

Second, Malaysia. The country with a majority Muslim population is also inseparable from the circulation of non-halal food. The case in Malaysia is different from in Indonesia, where in Malaysia; there is a misuse of the halal logo. Several cases of abuse of the Halal logo have been found and reported to the proper authorities by concerned Malaysian Muslims, who said the logo was deliberately placed on non-Halal products. JAKIM was told that they are looking into two or three serious cases of misuse of the Jakim's Halal logo. Horribly, The Sun Newspaper reported that there were no laws in Malaysia that prevented manufacturers to issue the Halal logo individually. In Malaysia, individuals can be fined up to RM 25,000 for the first experience of misleading the consumers and the misuse of the logo. The penalty increases is doubled for subsequent offences. Companies can also be fined RM 65,000 to RM 130,000 altogether [12].

Aside from the misuse of the JAKIM logo which confuses consumers, Muslims in Malaysia are also confused by other logos / signs created by the restaurant. For example, with the signs "Halal / Non-Halal / Pork-Free / No Pork" - they seem simple enough to understand, but in fact it makes consumers doubt. Sometimes also, halal food is displayed alongside non-halal food which can make consumers doubt about the use of storage containers or cooking utensils that are mixed.

Third, Brunei Darussalam. The country that applied Islamic law firmly destroyed the White Rabbit brand of candy products from China after the Ministry of Religious Affairs of Brunei (MoRA) together with the Health Ministry's Scientific Service Department found that the candy contained pig protein [13]. The destruction of the White Rabbit candy product was also followed by the removal of the White Rabbit flavor by the local ice cream company, Project Ice Cream and Rumah Gelato. Moreover, it is quite rare to find the circulation of non-halal food in Brunei, because the law is quite strict. Non-halal food products are prohibited from being produced in Brunei, such as alcohol or pork. While for the other 7 ASEAN countries, the circulation of non-halal food is still easy to find because the Muslim population is not too large. So, in the 7 ASEAN countries, Muslims must be more careful of food products and restaurants that might serve non-halal food /drinks.

2.2 LEGAL PROTECTION OF COUNTRIES IN SOUTH EAST ASIA FOR HALAL FOODS CERTIFICATION

Regarding halal certification, Indonesia has an Indonesian Ulema Council/Majelis Ulama Indonesia (MUI). MUI has a non-profit organization called LPPOM-MUI whose duty is to issue halal certification. Before the halal certification is issued, the MUI first issues a halal fatwa on a product to be certified. Interestingly, MUI as a semi-governmental institution is a non-profit institution. This is very different from halal certification institutions in other countries. In practice there is a lot to be aware of how the halal guarantee system process can be carried out based on the right creed. A certification body must have a relationship and be recognized by Islamic Ulema institutions in the country concerned, and be supported by human resources who are experts in halal research [14].

Abroad, halal certification bodies are usually government and / or private institutions that have their own official laws and standards. In Austria, Canada and New Zealand, halal certification is given by private institutions called Islamic centers which, although they do not have a legal umbrella in the form of laws, have their own official standards that are used to provide halal certification. While in Brunei, Malaysia through JAKIM/Jabatan Kemajuan Islam Malaysia (Malaysia Islamic Advancement Position) and the Singapore Uagama Islamic Council/Majelis Uagama Islam Singapore (MUIS) in Singapore, the halal certification agency is a state-owned public institution that has a legal terms of laws and official standards provided by the government. Thus, in Indonesia, MUI is still a semi-government with a model of public institutions. A comparison of halal certification institutions in other countries can be found through the following table:

Table 1. Instrument of Regulation in Halal Certification in ASEAN Countries [15] [16]

Name of Instiution and Country	Type of Institution	Stated on Law	Type of Certification
Brunei (Majelis Uagama Islam Brunei/MUIB)	Public Institution	Yes	By Government
Indonesia (Majelis Ulama Indonesia/MUI)	Public Institution	No	Semi-Government
Malaysia (Jabatan Kemajuan Islam Malaysia/JAKIM)	Public Institution	Yes	Government
Singapura (Majelis Uagama Islam Singapore/MUIS)	Public Institution	Yes	Government
Filipina - Islamic Dawa Council of the Philippines - Halal Development Institute of the Philippines - Mindanao Halal Authority - Muslim Mindanao Halal Certification Board - Halal International Chamber of Commerce - Prime	Private Institution	No	NGO
Vietnam (Halal Certification Agency/HCA Viet Nam)	Private Institution	No	NGO
Thailand (The Central Islamic Committee of	Private Institution	No	NGO

Thailand/CICOT)			
Laos (no halal committee)	-	-	-
Kamboja (Highest Council for Islamic Religious Affairs of Cambodia)	Public Institution	No	Semi-Government
Myanmar (Myanmar Halal Certification Committee/MHCC)	Public Institution	No	Semi-Government

From the table above it can be seen that for the Southeast Asia (ASEAN) region, the granting of halal certification is mostly done by public government institutions that already have their own legal umbrella and official standards. Meanwhile, in Indonesia halal certification institutions are still semi-governmental in nature, which do not have their own legal umbrella, but have predetermined official standards. However, the halal certification bodies of other countries especially ASEAN turned out to have lower capabilities than Indonesia. However, these countries cover it up with far better advocacy skills, and easier halal certification procedures. There are many standards that are out of sync between one country and another. The problem occurs when the international parties question different halal standards among countries that are predominantly Muslim.

This situation if explored further, will raise concerns that the standards applied in Indonesia in the long run will only win at home. Competitor countries, especially in the ASEAN region, are slowly becoming market leaders. Internationally, the system of these countries is more recognizable, especially the ability of advocacy in the international world that is far more advanced and much better infrastructure. So that if in the context of global business, it is feared that Indonesia will only win domestically in the short term and lag behind other ASEAN countries, while in the long run it will have an impact on the declining competitiveness of local products at the international level. This is due to foreign countries carefully calculating its halal agro-industry to be able to penetrate the Indonesian market in the future.

Although halal industry is the latest trend in the world market [17], the development of halal as an industry has not been written as a long-term policy as an agro-industry policy platform as has been done in Malaysia, Brunei Darussalam or even Thailand. At present there is a vision to protect Indonesian Muslim consumers, not a broader industry vision [18]. Malaysia has a halal business vision as "Global Halal Hub", while Brunei Darussalam has a vision of "Halal Brand Producer" Premium and Thailand with its vision as "Kitchen of the World". If this continues, then the power of mastery of the market share of domestic halal products will only last for a few years, because Indonesia and ASEAN is the halal market with the greatest potential in the world [19].

3.CONCLUSION

There are many problems in the distribution of non-halal food in the ASEAN region. Processed products such as Cadbury, Samyang, Pocky, White Rabbit or Sushi Tei Restaurant and so on, are examples. The solution is to make a substitution of material, so that the non-halal elements disappear and then submit halal certification. Or, the government will withdraw from the market and destroy the product and impose sanctions on importers or producers. Abroad, halal certification bodies

are usually government and / or private institutions that have their own official laws and standards. In Austria, Canada and New Zealand, halal certification is given by private institutions called Islamic centers which, although they do not have a legal umbrella in the form of laws, have their own official standards that are used to provide halal certification.

While in Brunei, Malaysia through JAKIM and the Singapore Uqama Islamic Council (MUIS) in Singapore, the halal certification agency is a state-owned public institution that has a legal umbrella of laws and official standards provided by the government. Thus in Indonesia, MUI is still a semi-government institution with a model of public institutions. Therefore, it is feared that in the future, the main players in halal food producers are not countries with Muslim population in the ASEAN region, such as Indonesia, Malaysia, Brunei and Singapore. But it is actually used by those out there who are better prepared and concerned about the market and halal food needs.

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