



Harmonizing the halal approach for food and beverage certification: case of Indonesia and Malaysia

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Abstract

Motivated by society's misunderstanding of halal certification for food and beverage, along with the costly and inefficient process of halal cross-border trade, this research aims to analyze the different approaches to regulations and the Islamic jurisprudential method used by the certifying bodies represented by Ulema Council in two influential halal hub countries, Indonesia and Malaysia. A qualitative systematic literature review was used to identify the relevant sources taken from fatwa documents. There are five crucial areas with different verdicts and juristic methodology. Four resolutions: alcohol contamination, animal stunning, recycled water, and insects for coloring indicate the differences between allowed and permissible. Contrasting law exists in non-permissible ingredient contamination. This is due to the difference in the juristic approach implemented by Indonesia Ulema Council (MUI) who prohibited it, and Malaysia Ulema Council (JAKIM) who allowed it. Both countries could review their halal certification process by understanding the methodologies applied, harmonizing the framework, and gaining further support from the respective regulators. The findings assist policymakers to transform from cooperation act into harmonizing certifying standards, which will enable both countries to implement robust halal free trade agreements, increase the halal industries' competitiveness, and strengthen the position of both countries globally.

Keywords Halal certification · Regulation · Food and beverage · Indonesia · Malaysia

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Introduction

The overview of halal certification

Halal certification on food and beverages is a basic requirement for Muslims, especially in Muslim-majority countries. Halal certifications provide assurance by recognized authorities that the product is suitable for consumption and follows Sharia (Islamic law) principles. Several countries regulate halal certification in the food and beverage sector, even in Muslim minorities such as Japan and Korea (Nuraini and Sucipto 2021). The supply and demand for such products serves almost 1 in 5 people on earth, as those following the Islamic faith represent almost 20% of world's population (Statista, 2023). A report by Dinar Standard & Salam Gateway (2022) shows that the halal food and beverage sector attracts the highest Muslim spending globally, consider USD 1.27 trillion per year, and is forecasted to grow by 7% by 2025, driven by the high demand in the market. At present, countries consider halal certification for imports to Muslim countries or to be consumed locally.

Halal certification are permits published by a recognized Islamic authority representing Muslim communities. Indonesia for example, relies on the Ulema Council amongst others, to provide certification based on their own standardized criteria. This provides Muslim consumers with the comfort that the certified product had undergone a rigorous analysis and was found to have passed the screening process by a respected third-party verifier. Halal certification, however, differs slightly across jurisdictions and Islamic juristic schools, and the position of a dominant legal school in a region is generally the adopted opinion. Although it may be argued that legal pluralism and diversity of opinion in public affairs facilitates ease and provide choice for Muslim adherents (Kamali, 2013), harmonizing such opinions has significant advantages. For example, the Islamic finance industry broadly applies the Accounting and Auditing Organisation for Islamic Financial Institutions (AAOIFI), a global Shariah standard of opinions on banking instruments (Alaoui and El Marzouki 2022). Therefore, differences in halal certification have business implications when nations have differing halal opinions on food imports and exports, some relying on their own certification and some on others. As a result, halal international trade becomes inefficient and costly.

Lapidus (2014) confirms that the Shafi'i legal school is most widely practiced in Southeast Asian countries such as Malaysia and Indonesia. To assist halal certification, scholars use the principles of Islamic jurisprudence or *usul fiqh* as the methodology to solve contemporary issues arising from the constant innovation in the food and beverage industry. Food scientists combine several chemical components as ingredients in the derivation of new food products for enhanced unique tastes, longer shelf-life, health reasons, or higher profit margins. These ingredients sometimes contain ingredients prohibited by Sharia, like pork or alcohol. Hannan (2016); Hilal and Al-Beirawi (2007); and Kamali (2013) explain that two kinds of tools can be used to decide the Islamic law issue, including the halal certification jurisdiction approach, which come from primary and secondary sources. The primary sources including

Al-Qur'an¹ and Sunnah². The secondary legal sources are derived from Ijtihad (legal deduction), a methodology that applies all the sources of Islamic legal reasoning for rational decision-making, including ijma (consensus of scholars)³, qiyas (analogy)⁴, Istihsan (juristic preference)⁵, maslahah mursalah (public benefit)⁶, urf (custom)⁷, Istishab (presumption of continuity)⁸, and Sadd al-dharai (blocking the means)⁹.

Indonesia and Malaysia halal certification history and development

The starting point of halal certification in Indonesia was under the Livestock and Animal Health Act No 6 of 1967 (Hudaefi and Jaswir 2019). This was expanded to another regulatory framework in 1996 by issuing the Food Act Number 7 which emphasized the impermissibility of certain products for the Muslim community (Hosen and Lathifah 2018). The government continued to improve halal product oversight by publishing another regulation: Food Act Number 8 in 1999, focused on consumer protection (Hosen and Lathifah 2018). In 2001, the Ministry of Religion published Law Number 519 to create the Institution for Halal Food Inspection. Moreover, from 2017 to 2019 a transition took place from the Indonesia Ulema Council (MUI) to a department under MUI that specializes in providing legal verdicts (fatwa) for halal product by cooperating with other parties such as the Ministry of Health, Ministry of Religion, and Agency of the Administrator for Halal Product Assurance (BPJPH) and Agency of Halal Inspection Related Matters (LPH). In 2019, MUI became the highest authority for the certification of halal products (Hosen and Lathifah 2018; Hudaefi and Jaswir 2019). Started in 2021, Indonesia Halal certification process changes from MUI to BPJPH (Indonesia Minister of Religion Number 8, Government Regulation No 39). However, the roots of juristic still relies on previous fatwa by MUI, whereas BPJPH proposes to transfer islamic juristic ruling to national juristic ruling (Ministry of religion No 8, 2021; Government Regulation No. 39, 2021; Kementerian Agama 2022). Therefore administrative, technical support, and publishing halal certification become the main activity of BPJPH which is under ministry of religion affairs.

In Malaysia, the halal certification began with the Trade Descriptions Act 1972 (TDA, 1972) to control halal food production (Othman et al. 2021). This regulation was not successful due to issues in prosecutions and application of the Sharia rulings.

¹ The revealed word of God to the Prophet Muhammad, providing Muslims with guidance, rules and signs of His creation.

² Documented and verified words, deeds and tacit approval of the Prophet Muhammad, as a source of new law or expounding on the rulings of the Qur'an.

³ Islamic scholarly consensus on issues that arise after the last Prophet.

⁴ Logical reasoning based on analogy, extracting from the primary sources and extrapolated to new cases.

⁵ The selection of one option without clear evidence over another derived from analogy for the sake of public benefit and removal of harm.

⁶ The legal ruling comes from the objectives of promoting benefits and minimizing the harm.

⁷ Local standard regulations applied in society that do not cause harm and are not against the primary sources.

⁸ Issues ruled upon based on the presumption of absence or presence, unless proven otherwise.

⁹ Prohibiting acts that have a high probability of causing harm although they may have not yet.

One example is the case of Wee Mee Industry Co Sdn. Bhd, who was found to have manipulated the halal process in 1985 (Rahman et al. 2018). Therefore, the government reformed the regulation with TDA 2011 to standardize the halal certification process. Furthermore, in 2011, the Malaysian government created a halal certification body to support their master plan called The Department of Islamic Development Malaysia (JAKIM). This remains as the highest institution to decide halal certification in the country, and, with Indonesia, has become a global leader in the halal ecosystem (Al-shami and Abdullah 2023; Rahman et al. 2018). Whereas in the case of Malaysia all ulema states, which under JAKIM have power to create and make regulation to halal food and beverages fatwa. While other institutions like Halal Development Corporation (HDC) act as support stakeholders to assist companies who want to get halal certification labels by providing halal supply chain parties, linking among stakeholders, and educating related halal export-import flows.

Thus, those countries' ulema council's play pivotal rules to create a root of fatwa for halal food and beverages products. Therefore, the institutions using in this research more focus on ulema councils (MUI and JAKIM) fatwa, because they are the main bodies for islamic jurisprudence, whereas other institutions like HDC and BPJPH regulations are still used as supporting evidence. The status between Indonesia and Malaysia halal certification now, is under Memorandum of Cooperation (MoC). It means both countries agree to cooperate halal certification process by focusing on Conformity Assessment Procedures, Halal Accreditation, Standard Specifications, and Technical Regulations for the Issuance of Halal Certificates, thus it is non-binding and consider as preliminary step. To go further and having continuity, robust system, and reduce confusion about differences of halal standard, harmonizing the Islamic jurisprudence standard can be one of the solution for both parties, which can be started by harmonizing the fatwa standard as a roots of juristic to decide halal status of product between MUI and JAKIM, which next can be transferred into proper regulation and services which provided by BPJPH and HDC.

The Indonesian and Malaysian halal certification for food and beverages have become internationally respected standards for halal, with other countries accepting and following their certification such as Japan and South Korea (Nuraini and Sucipto 2021). These countries have a similar dominant legal school – the Shafi'i school - but decide on halal certification differently (Mohd Salleh et al. 2020; Pauzi et al. 2019). The differences in halal interpretation may be argued to emanate from different usul fiqh methodology applied by the scholars. For example, research from Pauzi et al. (2019) found that Indonesia and Malaysia issued different opinions on the use of industrial ethanol for medicine. The maximum percentage for using ethanol in Malaysia is limited to 0.5% of the final product, based on *masalah mursalah*. However, Indonesia does not permit the use of ethanol, requiring 0% maximum ethanol for final goods based on *qiyas*. Another example of a difference of opinion is in food coloring using insects; JAKIM is more rigid in setting the measurement for using insect coloring and relies on a longstanding custom or *'urf*. However, MUI permits its use if the final product does not intoxicate based on *qiyas* (Mohd Salleh et al. 2020).

Previous study about halal certification

The difference of opinion and lack of halal certification standardization has often created confusion in the market, with Muslim adherents wondering why a unified opinion is not possible, especially since food and beverages are a basic human need and the juristic schools are the same. The differences also make it challenging for cross-border trade since companies that want to import or export their products require clarification about what standards and rules they need to follow for seamless trading (Othman et al. 2021). This results in higher costs along with lower and slower international trade between the countries (Johan and Schebesta 2022; White and Samuel 2016). Previous research related to halal certification mostly focuses on the comparison of each standard and identifies the differences of halal certificate issuer standards such as the validity period and the standardization of the industry (Hasri et al. 2016; Hosen and Lathifah 2018; Hudaefi and Jaswir 2019; Latif et al. 2014; Lindsey and Lindsey 2012; Rahman et al. 2018). Other research emphasizes the crucial part of halal certification for food and beverage products to boost other sectors such as halal tourism (Nuraini and Sucipto 2021; Suharko et al. 2018), consumer purchasing decisions and loyalty (Iranmanesh et al. 2022; Quoquab et al. 2020), and firm performance (Ariefiara et al. 2022; Ramadhani and Katri 2024; Rusmita et al. 2023). Unfortunately, the various halal certification standards are controversial and must be discussed further (Secinaro and Calandra 2021).

The importance of harmonizing halal certification process

Therefore, based on the gaps identified in earlier studies and from the point of view in practice, the differences in halal food and beverages cause several issues, such as inefficient processes and the high cost of international trade (Othman et al. 2021; Secinaro and Calandra 2021). This study investigates the reasons for applying different approaches to halal certification and analyzes the jurisprudential approaches used by the scholars in both Indonesia and Malaysia. We also consider whether there is a need for harmonized halal certification to improve trade on halal foods between in Indonesia and Malaysia. The systematic literature review approach was used to assess the findings from previous studies and legal documents. This paper is expected to benefit policy makers in implementing global halal regulations to promote smooth international trade for halal products and provides an understanding of the reasons for difference in opinion amongst the jurists. Furthermore, the paper contributes to expanding knowledge of applied Islamic jurisprudence in contemporary issues.

Paper structure

The paper consists of 5 parts. First, the introduction highlights the study's aim, the research problem, gaps, and novelty. Second, the methodology section describes the steps used in the systematic literature review for this research. Third, the result section focused on compare and contrasted the differences of Islamic jurisprudence halal certification. Fourth, the findings discussed about: the logical reasoning behind the differences in the verdict and jurisprudential approach, modeling the harmonization

between the two halal certification bodies to improve international trade, recommendations, and limitations along with further studies. Fifth, the conclusion focuses on the summary of the findings.

Research method

This study used a qualitative approach because of its ability to analyze non-numerical data (Snyder 2019). Precisely, the Systematic Literature Review (SLR) method using a Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) diagram is used in this research, as it is an effective method in identifying and analyzing critically relevant research (Page et al. 2021; Snyder 2019). The reason for choosing qualitative SLR instead of quantitative and mixed methods is that the research objectives of this paper are to analyze and compare documentary sources, also used by Pauzi et al. (2019) to do comparison of usuli approach in the case of ethanol. Data used in this research is obtained from secondary sources: article journals, Indonesian and Malaysian halal certification body websites, conference papers, official and legal publication documents, books, and other reports related to halal certification of food and beverages. However, to analyze the approaches in certification, this research follows the steps from previous studies by Hosen and Lathifah (2018), Johan and Schebesta (2022), and Noordin et al. (2014), which only focus on the legal resolution (fatwa) that is published by the authority due to its reliability. In this case, the fatwa for both countries is taken from the official website <https://mui.or.id/> and <http://e-smaf.islam.gov.my/>. Other literature sources such as scientific articles, reports, conference papers, and books are also used as supporting information.

Figure 1 capture a PRISMA flow diagram that is used to screen the verdict before its analysis because the tools could give specific steps to conduct systematic literature review (Page et al. 2021). There are three steps to conduct the SLR using PRISMA. First, the identification of the study, which records all the fatwas from both countries Ulema Council. Second, the screening process tries to specify the halal food and beverage certification report and groups the differences and similarities between the verdict and the Usuli approach. The third step is the final fatwa that will be analyzed, which, in this case, highlighted only the fatwa with a different verdict and juristic methodology. Based on the screening process, it shows both countries have similarity of 11 halal food and beverages fatwa, and it also indicate Malaysia fatwa is more stable than Indonesia which can be check that there are 6 Indonesian food and beverage fatwa changes. In total, ten resolutions explaining different verdicts will be used for further analysis.

Results

To answer the research objectives, ten resolutions related to halal food and beverages certification were used to analyze the differences between the verdict and the juristic methodology. Table 1 highlights five fundamental differences that are the basis for determining halal certification in Indonesia and Malaysia. These include

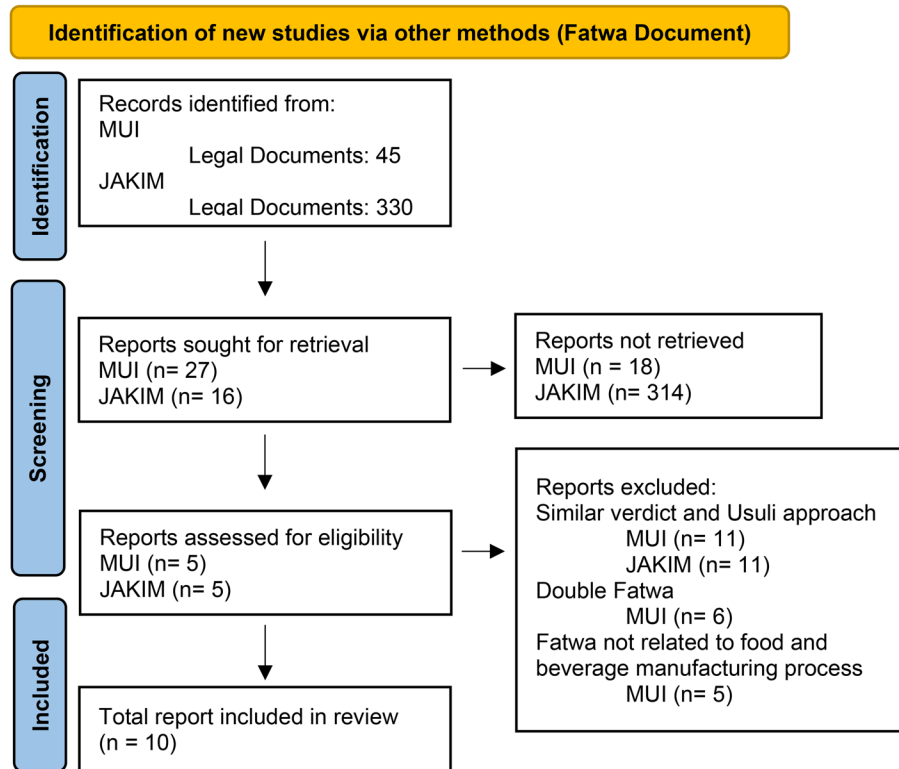


Fig. 1 Fatwa screening process. Source: <https://mui.or.id/> and <http://e-smaf.islam.gov.my/>

issues related to the use of alcohol content in processed drinks, the presence of non-halal ingredients in the product processing process, animal slaughter mechanisms, consumption of recycled water, and the use of insects as food and beverage coloring materials. Overall, the fatwas produced from both countries do not only refer to the Shafi'i school but also follow the interpretations of other legal schools (Hanafi, Maliki and Hanbali) based on context. Although some of the verdicts are the same, the usuli approaches are often different between the two fatwa-issuing bodies.

Findings

The differentiation of Halal food and beverages certification and Usuli approach between Indonesia and Malaysia

Food and beverages containing alcohol

Both countries agree that intoxicants such as wine and its derivatives are haram, but alcohol is not necessarily haram, if the process does not follow the procedures for making sometime that once consumed, intoxicates. The negligible alcohol content

Table 1 Differentiation of verdicts and Usul fiqh approach for Halal food and beverage certification in Indonesia and Malaysia

No	Fatwa	Indonesia			Malaysia		
		Verdict	Usul Fiqh Method	Legal School	Verdict	Usul Fiqh Method	Legal School
1.	Food and beverages containing alcohol	Permitted/ Mubah, (less than 0.5%)	Qiyas	Maliki	Permissible/Halal (less than 1%)	Maslahah Mursalah	Maliki
2	Food and beverage containing non halal ingredient (except alcohol)	Prohibited/ Haram	Qiyas	Shafi'i	Permissible/Halal,	Maslahah Mursalah	Maliki
3	Animal stunning process by machine	Permitted/ Mubah (Traditional method is preferable)	Ijma	Shafi'i	Permissible/Halal (Electrical stunning only on the head, with specific amperages and time depend on the animal)	Maslahah Mursalah	Ibn Qudamah
4	Recycled water	Permissible/Halal	Ijma	Shafi'i	Permitted/ Mubah	Maslahah Mursalah	Shafi'i
5	Food and beverage coloring from cochineal insect.	Permissible/Halal	Qiyas	Majority school	Permissible/Halal	Urf	Majority school

Source: <https://mui.or.id/> and <http://e-smaf.islam.gov.my/>

in soft drinks is found in the flavor shield, or stabilizer of active substances in soft drinks. There are different legal views between Indonesia and Malaysia. JAKIM sets the level of alcohol content to less than 1% without any further specifications related to the final product of the drink (Jabatan Kemajuan Islam Malaysia 2015). The usul fiqh approach used by JAKIM related to alcohol content in food and beverages uses the maslahah mursalah method. Their reasoning is based on the consideration that because alcohol compounds in the process of making food and beverages can naturally form and because the purpose is not to intoxicate and the presence of alcohol is not accidental, then as long as it is not harmful to consumption, the legal ruling is that of permissibility (halal) (Jabatan Kemajuan Islam Malaysia 2015).

Indonesian halal certification emphasizes that the maximum alcohol content in beverage products is 0.5%, but requires purification until the alcohol content in the final product becomes 0% (MUI 2018). The permissibility of incidental alcohol content in food and beverages by MUI is based on qiyas or analogy. Qiyas consists of four components: the original case (asl), the underlying reasoning of the ruling ('illah), the new case (far') and the ruling on the new case (hukm). The original case is the banning of khamr in the Quran, Surah Al-Maidah, Verse 90, and is further clarified by the Hadith Narrated in Bukhari: Chap. 1, No.239: "Every intoxicating drink

is haram”. As for the ‘illah (underlying reasoning), the intoxication that results from consuming alcohol may result in physical, psychological and reputational harm of the person and others that may be affected by the person’s actions. In the case of food and beverages a small quantity of alcohol is utilized in the manufacturing process. Determining whether this is permitted or not is the far’ or new case. Since the effect of intoxication is considered impossible with such a minute proportion of alcohol, the ruling (hukm) is that it is permitted for consumption based on *mubah* (allowed). The determination of the maximum amount of alcohol content as much as 0.5% is a legal deduction based on the science that in general, food and beverage ingredients that are likely to contain alcohol (squeezed wine, apples, and dates) on average have an alcohol content of 0.5% (MUI 2018).

Food and beverage containing non halal ingredients (except alcohol)

Food and beverage products that contain non-halal content, MUI emphasizes that there must be no contamination either intentionally or unintentionally between halal and haram products. If contamination is found at the production stage, it is necessary to purify following the rules of Islamic law. If it is not possible to purify, then MUI will revoke the halal label on the product even though it has been circulated in the community (MUI 2010). Another *usul fiqh* approach used by MUI regarding the prohibition of consuming food and beverages contaminated by impurities comes from *qiyas*. This is based on the Quran Surah Al-Baqarah, Verse 42 related to the prohibition of mixing between truth and vanity. This verse can also be interpreted as prohibiting the mixing of halal/good substances with haram/bad on the grounds that it could make the good substance contaminated and damage their quality. Similar to the contamination of haram materials (pig DNA, carrion, blood, wild animal meat, and other haram materials) in final products, MUI prohibits consuming these items, even though this may be incidental (MUI 2010).

Meanwhile, JAKIM emphasizes that products that are accidentally contaminated or mixed with non-halal ingredients, are still considered halal if the final product is halal. In addition, if part of the processing turns out to still leave something unclean, there is no need to repeat the purification process (Jabatan Kemajuan Islam Malaysia 2015). The fatwa for JAKIM emphasizes that if there is an element of inadvertence and all attempt has been made to eliminate impure raw materials, and even though some trace elements may still be present, then the ruling of consuming them is halal. The stipulation of this law is based on *maslahah mursalah* by taking into account the factor that there is an element of inadvertence and producers have tried to remove or avoid the impurities, and as long as the final product produced is halal, it becomes permissible for consumption (Jabatan Kemajuan Islam Malaysia 2015).

Animal stunning process by machine

JAKIM’s fatwa is rigid regarding the process of animal slaughtering, which justifies the process of electrical stunning only on the head, with an electric current not exceeding 0.75 amperages for goats and 2.0 amperages for cows, and not longer than 3–6 s (Jabatan Kemajuan Islam Malaysia 2015). JAKIM has ruled that the stunning

mechanical process is halal only by using electrical stunning for the head and giving specifications for different types of animals (Jabatan Kemajuan Islam Malaysia 2015). The permissibility of this method relies on the masalah mursalah approach; the high demand from society to consume meat requires that the producer create efficiencies in processing the meat by using the machine, which is also in line with the statement from book entitled *Fiqh Islam wa Adillatuhu* Chap. 4 “*There is no obstacle to using tools that weaken the movement of animals without torturing them (for animal slaughtering). For this reason, it is permissible in islam to use stunning non-lethal methods before slaughter.*” (Az-Zuhaili 2011).

While the fatwa of MUI allows modern stunning methods as long as it does not hurt animals, they recommend the use of manual/traditional methods because it is considered to minimize pain (MUI 2009). The Indonesian halal certification authority emphasizes that the traditional approach to stunning the animal is the best option, even if they are still permitted to use the mechanical approach (MUI 2009); this reason relies on the ijma method based on the Qur’an Surah Al-Maidah, Verse 3 and Surah Al-An’am Verse 121 which emphasize the consumption of animals with the appropriate procedure of slaughtering and stunning. The other Hadith recorded in Sahih Muslim highlights that doing something with excellence is also to be implemented in the slaughtering process of animals “*Verily Allah has enjoined goodness to everything; so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife, and let the slaughtered animal die comfortably*” (Sahih Muslim, Book 34, Hadits Number 1955a).

In the case of poultry, the two countries have the same slaughtering process, which emphasizes traditional procedures with the killing core method (spinal cord of the animal) and is only allowed to do water bath stunning (the poultry heads into an electrified water bath) (Jabatan Kemajuan Islam Malaysia 2015); (MUI 2009).

Recycled water

The issue relates to fatwas regarding the consumption of recycled water, MUI consider that it is halal to consume recycled water with the requirement that it comply with one of the three purification procedures before consuming: (i) separating water affected by feces; (ii) not adding water contaminated with feces with halal water until it reaches 216 L; (iii) applying a filtering process using machine technology (MUI 2010). the point of view of MUI, the ruling of permitting the use of recycled water is based on ijma, where Imam Al-Shirazi in his book entitled *Al-Muhazzab* and Imam Ibn Qudamah in *Al-Mughni* explain three procedures for purifying water affected by feces, namely: (1) Thariqat An-Nazh, which is separating between water contaminated with unclean and not; (2) Thariqah Al-Mukatharah, adding water contaminated with halal water until it reaches 2 kullah (216 L); (3) Thariqah Taghyir, filtering using the help of machines / technology with the condition that the water reaches 2 kullah (MUI 2010).

The JAKIM fatwa only allows halal consumption of recycled water after if it has been purified through a filtering process, due to safety concerns (Jabatan Kemajuan Islam Malaysia 2015). The other ruling is on consuming recycled water from an impermissible/non-halal source, JAKIM permits the use of recycled water if the

water has been purified and is not for direct consumption, but as raw material or complementary to processed materials. The ruling is based on *masalah mursalah*, where clean water is a scarcity, so to meet the needs of the food and beverage industry, innovations related to clean water are needed, and purification of dirty water waste to be used as clean water is considered necessary for public benefit. Producers get the benefits directly and so do consumers. In the long term it can save the environment because of the processing of waste to be used as materials that have added value (Jabatan Kemajuan Islam Malaysia 2015). On the other hand, from.

Food and beverage coloring from cochineal insect

Regarding food coloring derived from insects, both countries have the same opinion, albeit through different *usuli* approaches. The use of carmine or cochineal from soft-bodied insects as a food or beverage coloring agent is permitted in both Malaysia and Indonesia with slight differences. The fatwa of MUI Indonesia only permits halal food coloring from insects if the final product does not cause harm or poison (MUI 2011). MUI used *qiyas* to identify the permissibility of cochineal. They analogize cochineal as locusts (based on habitat, type of food, type of animal, and the similarity that both animals have non-flowing blood). Since the ruling of consuming locusts is halal, which is based on the Hadith: *“From Abdullah Ibn Umar, he said: The Prophet (peace be upon him) said: It is lawful for Muslims to have two carcasses and two bloods; while two carcasses are fish and grasshoppers (locusts included), while two blood are the liver and spleen”* (Ibn Majah, Book 29, Hadits Number 64).

JAKIM on the other hand, has specifications for the use of cochineal ranging from 30 mg/ kg to 500 mg/kg according to the type of use that has been regulated by the Malaysian ministry of health (Jabatan Kemajuan Islam Malaysia 2015). The JAKIM approach relies on *‘urf* (custom) because cochineal insects have been used as coloring for food and beverages since 1985 and the food act regulation allowed it with the specification of quantity for using the cochineal between 30 mg/kg until 500 mg/kg depending on the final product. Based on the previous regulation, cochineal do not intoxicate or cause harm, and it is still necessary to use it today (Jabatan Kemajuan Islam Malaysia 2015).

Harmonizing halal certification between Indonesia and Malaysia

Proposed framework

One of the solutions for having an efficient and reasonable cost of halal international trade is to have harmonious regulations. Therefore, to promote halal trade openness between Malaysia and Indonesia, both halal authorities, JAKIM and MUI, can create more standardized halal certification in three steps, which explain in Fig. 2.

The first stage is related to a common understanding between the two institutions. Both certification bodies would benefit from identifying differences in the halal certification and assessing the method of *usul fiqh* applied. Thus, if there is a legal contrast, each can understand the decision-making process behind their respective

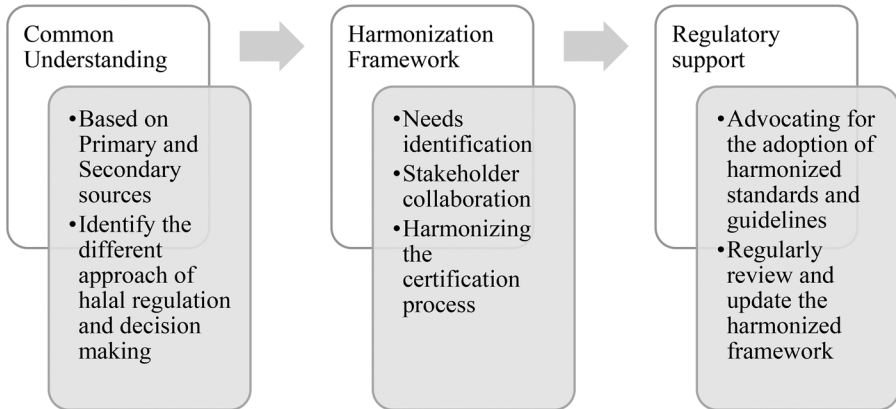


Fig. 2 Concept of harmonizing halal certification

rulings. The second stage is to harmonize the framework, which can be considered through the following three steps:

1. Identify the needs of the community, whether products that have legal contrast are basic needs. Both halal bodies must identify similarities between different approaches to halal certification and highlight areas where alignment can be achieved. A concrete example is a noodle that is contaminated with pork (Hasri et al. 2016; Ramdhani and Suhardini 2014). The general standard of the MUI requires that the product be withdrawn from the market, while JAKIM allows the product to remain in circulation. Both MUI and JAKIM carry out reassessments with different standards. JAKIM allowed contamination can be reduced from the product (Hasri et al. 2016), while MUI only allowed a comprehensive purifying system (Ramdhani and Suhardini 2014). To create a harmonization system, the assessment of halal certification should reach a consensus between ulema bodies in two countries (Jafar 2022).
2. Stakeholder collaboration, in this case halal certification bodies need to collaborate with other parties, such as manufacturers and universities that have research halal centers. This is to find out whether there are raw material options or procedures to minimize or even eliminate non-halal products. A real example is pork gelatin found in food content that can be replaced with other halal animal or plant gelatin (Zin et al. 2021).
3. Harmonization of the standardization process, which includes the stages of auditing, inspection, and accreditation. At this level, the agreement on legal uniformity of halal certification would have been carried out by considering the previous two aspects (identification of community needs and stakeholder collaboration).

The third stage is support from regulators, including the facilitation and support for collaboration in halal certification through adoption of existing or new standards sourced from both countries. This new harmonized framework can be implemented regionally and for incoming imported products. In addition, there is a need for con-

tinuous review, especially related to audits and direct inspection of producers, in order to create transparency and accountability of production processes following Sharia regulations (Al-shami and Abdullah 2023; Hosen and Lathifah 2018; Noordin et al. 2014).

Recommendations

Based on the findings, although there are several differences in verdicts in halal food and beverage certification from Indonesia and Malaysia, the gap of the verdicts in certain fatwas is still compromised to create harmonization of the fatwa. For example, in the case of food coloring, both countries stated the permissibility of it with different approaches, indicating that there are no significant issues to compromise the harmonization process. For the other resolutions on alcohol contamination, the animal stunning process and recycling water, the differences in verdicts are not contradictory and are limited to halal and mubah. In this context, having specific regulations is a better option to ensure the halal and wholesome factors of food. The innovation of ingredients in halal food and beverages is significant (Mahyiddin et al. 2022; Zin et al. 2021), which means that in the future, the potential to create a comprehensive halal supply chain of ingredients is high.

Strict regulations would also be useful in the case of contradictory verdicts that may cause confusion on food and beverage contaminated with non-halal ingredients. Also, the awareness for consuming clean food outside of faith is increasing (Iranmanesh et al. 2022; Quoquab et al. 2020; Rejeb et al. 2023). This means that both countries may be able to gain opportunities for global trade as manufacturing companies pay attention to those that have advanced in the field. Furthermore, the findings also emphasize that the Islamic schools of jurisprudence have integrated diversity in their decision-making. Even though Southeast Asia is known as implementing Shafi'i jurisprudence, it is primarily in rulings in laws of worship; when it comes to social transactions, both countries do not restrict themselves to one school of jurisprudence. However, the general overview indicates MUI still primarily uses the Shafi'i school compared to JAKIM.

Implication

The practical implication of this study will be beneficial for several parties. Policy-makers from different countries can identify the reasons for other countries' Sharia decision-making which can impact international trade. It can also be an option for other countries to implement similar jurisprudential approaches. From the perspective of Indonesia and Malaysia policymakers, if harmonization of halal certification is implemented, it can create a ripple effect for their halal products, such as the possibility of building halal-free trade agreements between countries and strengthening both countries' position as halal hubs due to the strong regulation. Furthermore, the regulation can also leverage the halal industry's competitiveness because they can ensure both the ethical concept (halal) and wholesome food (thoyib).

Limitations and future studies

This research focuses solely on the Islamic jurisprudential approach to harmonize Indonesia and Malaysia halal certification process in halal food and beverage sector. Still there are other factors that should be explored in further research. First is the policy development aspect. Each country operates under a distinct institutional blueprint that may overlap or conflict with others. In Indonesia the BPJPH is primarily focused on achieving its target of ensuring all food and beverage industry players obtain halal certification. In Malaysia, the halal concept combined with emphasizing the wellness aspect (*tayyib*) and utilizes its certification as a diplomatic tool for countries seeking to implement halal certification processes. Future study should identify whether these overlapping of blueprints will hinder or facilitate the harmonization process. Second is the international relations aspect. Both countries participate in similar regional organizations such as ASEAN¹⁰ and APEC¹¹. Future study could analyze the extent to which these regional organizations can bridge or restrict the harmonization certification. Third, political legitimacy is a crucial factor. Differences in halal standardization between countries are not only about technical aspects but also society beliefs. As people in both countries trust their respective national authorities, accepting new harmonization halal standard may face resistance. Further study could explore how to minimize legitimacy concerns by implementing transnational institutions as mediators.

Conclusion

The results of the study found 5 fundamental differences in halal food and beverage certification related to alcohol content, contamination of non-halal ingredients, animal stunning, the use of recycled water, and dyes derived from insects. Most legal provisions differ between *mubah* and *halal*, while non-halal ingredient contamination shows a contrasting legal gap between *halal* (JAKIM) and *haram* (MUI). The derivation of fatwa for halal certification of food and beverages in Malaysia and Indonesia was found to be different, even when rulings were similar.

Considering that both countries share similar culture, ethnicity, geographic location and similar Islamic legal school (Shafi'i), both countries apply different legal approach to decide the halal standardization. In the case of halal certification, Indonesia shows a more significant approach to Shafi'i by applying *qiyas* and *ijma* methodology. Malaysia is more open to other interpretations and prioritizes the benefit of society that follows the modern context. Based on these results, it is possible for the two countries to harmonize halal certification through three stages: first, common understanding between legal differences and the method of *usul fiqh*; second, harmo-

¹⁰ The abbreviation from the Association of Southeast Asian Nations, a regional international organization in Southeast Asia to support economic, social, political, culture, and security of these regions.

¹¹ The abbreviation from the Asia-Pacific Economic Cooperation, an economic forum for Asian and Pacific Ocean countries to support international trade and investment agreements.

nizing and issuing a framework that is transparent, transferrable, and replicable; third, regulatory support to collaboration of halal certification between the two countries.

This research contributes to the knowledge of applied Islamic jurisprudence in the contemporary context by analyzing how halal international trade between countries can be facilitated, an important issue to be understood by policymakers and society. Beyond its theoretical contributions, the result of this paper implies that the differences in verdict and jurisprudence approaches to halal food and beverage certification in Indonesia and Malaysia can be harmonized. This reuest robust framework that integrates key stakeholders including ulema council (MUI and JAKIM), halal certification bodies (BPJPH and HDC), research centres, and industry players.

We recommend both countries move beyond the MoC toward the harmonization of standards to ensure the binding implementation, as this will improve trade openness for both nations. As a global hub for halal food and beverage industry players, they would be able to expand their market with minimum cost of halal certification and administrative efficiency. This enhances competitiveness, allowing them to remain creative and resilient at a global level. Furthermore, harmonizing halal certification bodies can serve as a diplomatic tool to engage with other countries concerned about certification process or those involved in international trade agreements.

This paper focus specifically on halal certificationthrough the lens of Islamic jurisprudence approach, using comparative case study of two countries. However, severla aspects require further consideration: policy development in both countries may overlap; international relations and shared membership that might impact on the harmonizing process; and the role of political legitimacy, since each country maintains their own halal certification standards, introducing the harmonization aspect with other countries standard might take time to gain braoder acceptance.

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Authors' contributions IR: Conceptualization, Manuscript Preparation, Data Collection, and Writing. ZM: Writing, Editing, and Supervision.

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Data availability This research uses documentary data from Indonesia and Malaysia Ulema Council, specifically verdicts related to halal certification of food and beverage products. These data are accessible through <http://e-smaf.islam.gov.my/e-smaf/index.php/main/mainv1/fatwa/3> and <https://mui.or.id/info-fatwa>.

Declarations

Ethical approval All data used in this study were obtained from secondary sources, specifically publicly available regulatory documents, which are open for academic use.

Informed consent This article does not contain any studies with human participants performed by any of the authors.

Competing interests The authors declare that they have no competing interests.

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