

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

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ABSTRACT

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

Methodology: This reviewed paper is a qualitative research study in nature where document analysis employed in this study to collect the data. The Malaysian fatwas, books, articles either in the form of physical or online were gathered to answer the objective of the study. The data collected mostly from the years of 2010 until 2020 unless the related fatwas where the fatwas are subject to its issuance year and suitability. The researchers used several keywords alternatively like '*sadd al-dharai'* in halal

industry', 'fatwa and halal certification', 'food industry and Islamic law' to find out relevant articles related to this discussion on the needs to investigate the employment of *sadd al-dharai'* in dealing with the halal-related issues triggered in the halal food supply chain stage based on the halal certification process. This study further simultaneously adopted the content analysis technique where the data was manually analysed and divided into four major themes based on the objective of the study.

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

Contributions: This study suggests that the Muslim jurists need to take into consideration the *sadd al-dharai'* as one of the sources of Shariah in ensuring the management of the halal certification process is efficient and in line with *maqasid al-Shariah*. Besides, Muslim consumers could also access halal food products that are free from harmful elements.

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

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1.0 INTRODUCTION

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

industry could tremendously develop, and many opportunities could be created to remain resilient.

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



Figure 1: Global Halal Food Market 2020-2024 (Business Wire, 2020)

In this regard, there is an urgency to have adequate competent Muslim jurists who have the authority and expertise in the Islamic legal rulings to deal with halal-related issues. Undeniably, with the evolution of time, the halal-related issues in the food industry are pretty challenging, particularly in terms of halal food adulteration (Nurrulhidayah et al., 2011), changes in scientific facts due to advanced research (Ruzulan et al., 2020) and technology development where all of these need Shariah clarification. The consideration of the changes happen in the halal food industry is in line with the Islamic legal maxim of "*la yunkar taghayyur al-ahkam bi taghayyur al-zaman wa al-makan*" (change of the rule, judgment and fatwa and according to the change of time, place, social conditions, motivation, and traditions). Therefore, the

ijtihadic process (Islamic legal deduction) with consideration of the status quo conducted by the jurists is needed to ensure the rulings deduced are compatible and relevant with the (*waqi'*) reality in the halal industry today.

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

2.0 METHODOLOGY

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

3.0 FINDINGS

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

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

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

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

Abdulaziz (2010), in her exploration, has pointed out that the first category is not under the *sadd al-dharai'* principle because the action rarely leads to *mafsadah* (evil). Meanwhile, the jurists have disagreements on the second and the third categories where the Maliki and Hanbali opined the lawful acts possible to be prohibited because of the potential to harmful results.

Likewise, al-Shafi'e contrasted with the view, justifying that permissibility cannot be prohibited. With the arguments among the school of thoughts, Nyazee (2003) has expressed that the jurists cannot reject or accept the authoritativeness of the *sadd al-dharai'* outright where there is a need to link the *sadd al-dharai'* with the scientific evidence as an instrument to determine the likelihood of the harmful degree. This opinion is significant in the contemporary era since many issues are intimately closed with the empirical study where the integration of knowledge between Shariah and science-based studies could accurately determine the harmful degree.

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

3.2 Halal Food Certification in Malaysia

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

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

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

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

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

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

3.3 Halal Regulatory Framework

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

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

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

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

3.4 Fatwa Issuance

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

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

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

cochineal (JAKIM, 2012), and the stunning method before halal slaughtering (JAKIM, 2005). In the case of alcohol, the excerpts of the fatwas show that the Malaysian jurists unanimously agreed that alcohol that is not from the liquor-making process and the process is not making liquor is permissible for consumption. There are a series of fatwa issuance related to alcohol where the first discussion of alcohol in Malaysia started in 1984. This first fatwa was issued in a general form that only emphasized the permissibility of benefiting the alcohol derived from the non-liquor making process (JAKIM, 1984). In sequence to this, another fatwa in 1988 has stressed the similar issue but focusing on the alcohol as a stabilizer for the drinks. The fatwa has mentioned that the quantity of the flavour is small and does not lead to intoxicant (JAKIM, 1988). After that, in 2010, the Johor State committee has released a fatwa that mentioned that percentage of permitted alcohol in food and drinks is less than 0.01%. Since then, there is the evolution of the fatwa in terms of the permitted level where the latest fatwa come out by Pahang and the National Fatwa Committee have divided into two different approaches, that is for the alcohol content in the soft drink is less than 1%v/v and for the alcohol, as a stabilizer is less than 0.5% from the final product. According to Jamaludin et al. (2016), the consideration of the percentage is due to the intoxicating reason where the determination is strengthened with the persuasive scientific-based evidence. Although the basic ruling of alcohol is halal, it will be unfit for human consumption at a certain amount level, and therefore the status changed to prohibition. This is in line with the fourth principle that has been highlighted by al-Qardhawi (2009), "*the prohibition of things is due to their impurity and harmfulness*". In this context, the expert people in this area have acknowledged the harmful level of alcohol. In a nutshell, the cause of prohibition is to protect the life (*hifz nafs*) and intellect (*hifz 'aql*) since many studies and cases have reported that the over-limit of alcohol content in the human body will lead to fatality.

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

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

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

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

(JAKIM, 2012)

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

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

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

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

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

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

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

4.0 CONCLUSION

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

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