

THE PATTERN AND TREND OF FATWA RELATED TO HALAL CONSUMPTION LAW IN NEGARA BRUNEI DARUSSALAM: ANALYZING HISTORICAL DATA OF PREVIOUS FATWAS ISSUED

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Abstract

Fatwa has been issued in Brunei since the appointment of the first state mufti in 1961, releasing a total of 1525 fatwas throughout his service until 1994. This effort is being continued by Brunei's current state of mufti since 1994. Various categories of fatwas have been issued and compiled in a series of books as public references. Halal consumption especially in food has been a continuing phenomenon among Muslims. Analyzing previous fatwas can help to interpret patterns or trends for the benefit of future studies or matters of improvement. This study aims to achieve those objectives by analyzing historical data, focusing on fatwas issued about halal consumption. The document analysis method was used to look through fatwas issued from 1994 to 2015. It was found that 6 different areas such as alcohol, ingredients, animal slaughter, food handling, non-muslim involvement, and halal status of the animal. Past fatwas have also shown the importance of laboratory analysis in deducing fatwa. The effect of law implementation can also be seen in this analysis.

Keywords: *Brunei Darussalam; Halal Consumption; Pattern and Trend of Fatwas*

1. Introduction

1.1. Development of Islamic Governance in Brunei

Brunei Darussalam is a small sultanate in the Asia-Pacific region located on the northwestern coast of the island of Borneo. It has a tiny population, with 444,858 people in 2022 according to a report by the Department of Economics and Statistics, Ministry of Finance and Economy Brunei. Around 80% of Bruneians identify as Muslims, the majority of them are Sunnis of Malay descent who follow the *mazhab Shafi'I* and *ahli sunnah wal jamaah*. Indigenous groups, Chinese and Indian populations, and a high number of foreign workers predominantly from Europe, Australia, New Zealand, and Southeast Asian countries make up the country's ethno-religious variety.

In Brunei's history, Islam has played a vital role in bringing the country together. The importance of Islamic heritage in the formation of Bruneian national identity is examined in this

article. Its first goal is to examine the reasons and goals for Islam becoming a cornerstone of the nation-building process; its second goal is to evaluate how such a viewpoint is reflected in public documents and government policies.

Brunei's transformation into an Islamic state began in the 14th century when local man Awang Alak Betatar converted to Islam known as Muhammad Shah and became a Sultan in 1363. The Sultanate of Brunei, an important commercial hub connecting the East and the West, progressively expanded its authority over neighboring polities and became a major regional force.

After the passing of Sultan Ahmad Tajuddin in 1950, Sultan Omar Ali Saifuddien II succeeded to the throne and continued the effort of his brother in enforcing the Islamic law system in Brunei.¹ According to the historical record, in 1954 during the Legislative Council meeting, Sultan Omar Ali Saifuddien II decreed the establishment of Brunei's first Religious Affairs Department (*Sejarah Kementerian Hal Ehwal Ugama*). Later on, the Brunei government carried on the effort to elevate Islam to a stronger position and make as stipulated in Chapter 3 Article 1 of the Constitution of Brunei Darussalam 1959. It is stated that:

- (1) The official religion of Brunei Darussalam shall be the Islamic Religion • Freedom of religion. Official religion Provided that all other religions may be practiced in peace and harmony by the persons professing them.
- (2) The Head of the official religion of Brunei Darussalam shall be His Majesty the Sultan and Yang Di-Pertuan.
- (3) The Religious Council shall be the authority responsible for advising His Majesty the Sultan and Yang Di-Pertuan on all matters relating to the Islamic Religion.
- (4) For the purpose of this Article, His Majesty the Sultan and Yang Di-Pertuan may, after consultation with the Religious Council, but not necessarily in accordance with the advice of that Council, make laws in respect of matters relating to the Islamic Religion

Ever since the Constitution was enacted more development has been recorded, including the reformation of the Religious Affairs Department into a proper ministry known as the Ministry of Religious Affairs (MORA) in 1986.² With continually changing conditions,

¹ Izni Azrien, "Exploration on the Effects of Brunei Halal Standard and Its Implementation on Agri-Food Business Development in Brunei Darussalam in the Context of Islamic Governance," *International Journal of Business, Economics, and Law* 10, no. 5 (2016): 84, https://www.ijbel.com/wp-content/uploads/2016/11/IJBEL10_59.pdf.

² Raihana Mohd Raffi, "Halal Industry: An Overview of Brunei Darussalam," in *International Conference on Islam, Economy, and Halal Industry* (Malang, Indonesia, 2019), https://www.researchgate.net/publication/337967097_Halal_Industry_An_Overview_of_Brunei_Darussalam.

obstacles, and therefore varied solutions that may be required, the strategies devised will remain consistent with the *maqasid shari'ah*, as long as those solutions remain within the Islamic government operational framework. And a deep understanding of the notion that what makes Islamic Governance 'Islamic' is the religious motivations that motivate Muslim behavior is key to preserving loyalty in line with Sharia.³

1.2. Government Bodies relating to Issuing Fatwa in Brunei

According to Al-Qadarawi, fatwa means the clarification of Islamic rulings concerning an issue, queried by either an individual or a group. Fatwa is issued through the opinion of a highly intellectual *mukallaf* (legally obligated) whereby their deduction must be based on the rulings from the Qur'an, hadith, *ijma'* and *qiyas*, and other supporting evidence whereby necessary.⁴

The issuance of fatwa has started in Brunei since the appointment of Brunei's first state mufti in 1961. This was done under strict monitoring by the Religious Affairs Department. With the establishment of the Ministry of Religious Affairs (MoRA), a specific fatwa division was established under the Syariah Affairs Department (Jabatan Hal Ehwal Syariah). However, on the 7th November 1994, the matter of issuing fatwa has made a remarkable move, being placed under the Prime Minister's Office (PMO) as part of a newly established State Mufti Office (Jabatan Mufti Kerajaan, hereinafter known as JMK) (Penubuhan Jabatan Mufti Kerajaan). This significant transfer from MoRA indicates that the State Mufti has direct responsibility to the Sultan with regard to matters concerning fatwas as the Sultan himself serves as Brunei's Prime Minister. This historical event has helped to strengthen the position and status of fatwa in Brunei Darussalam.⁵ The JMK aims to be an institution that issued fatwa and *irsyad* (rulings and guidance) and is responsible to do compilation, publication and spreading of Islamic knowledge in Brunei; acting as the reference hub.⁶

³ Amin Abdul Aziz, "Governance in a Contemporary Islamic Negara," *The Journal of Islamic Governance* 1, no. 1 (2015): 3, <https://islamicgovernance.org/wp-content/uploads/2015/11/JIG1-P1-Amin-Abdul-Aziz.-Governance-in-a-Negara.pdf>.

⁴ Nurdeng Deuraseh, "Lawful and Unlawful Foods in Islamic Law Focus on Islamic Medical and Ethical Aspects," *International Food Research Journal* 16 (2019): 469–478.

⁵ Isa Ansori, "Kedudukan Fatwa Di Beberapa Negara Muslim (Malaysia, Brunei Darussalam Dan Mesir)," *Analisis: Jurnal Studi Keislaman* 17, no. 1 (2017): 148–154, <http://ejournal.radenintan.ac.id/index.php/analisis/article/view/1790>.

⁶ Mohd Anuar Ramli and Abdul Qayyum Aminuddin, "Kepenggunaan Di Negara Brunei Darussalam: Satu Analisis (Fatwas On Consumerism In Brunei Darussalam: An Analysis)," *'Ulum Islamiyyah: The Malaysian Journal of Islamic Sciences* 22 (2017): 36–44, <https://uijournal.usim.edu.my/index.php/uij/article/view/7>.

1.3. Method in Issuing Fatwa in Brunei Darussalam

The method of issuing fatwa is stipulated under the Akta Majlis Ugama Islam dan Mahkamah Kadi Penggal 77. The Act states that any fatwas issued in Brunei must be in accordance with *mazhab syafi'i*.⁷ However, other *mazhabs* such as Hanafi, Maliki, and Hambali may be considered when necessary based on public interest provided with solid reasoning and ultimately by consent from the Sultan. There must be a final say among the legal authorities on the fatwa before it can be issued. If there is inconsistency in opinion, then the fatwa's final ruling will be based on the majority's opinions. Any person or organization can make a request to the Mufti about any concerns or doubts that arise. The Mufti then issues a fatwa unless the request is deemed as not serious or unnecessary to be answered.⁸

1.4. State Mufti of Brunei Darussalam

There have only been two scholars appointed and held the position of the State Mufti in Brunei. The first State Mufti was Pehin Datu Seri Maharaja Dato Seri Utama Dr. Haji Ismail bin Omar Abdul Aziz, appointed on the 1st April 1961 following the negotiation between the late Sultan Haji Omar Ali Saifuddin and Sultan Ibrahim of Johor.⁹ This appointment fulfilled the requirement under the Akta Majlis Ugama Islam dan Mahkamah Kadi Penggal 77. He served as the State Mufti from 1961 until he died in 1993. Throughout his service, he had issued a total of 1525 fatwa series on various topics. Figure 1 shows a bar graph of the compilation of fatwas according to their categories, compiled by the current Deputy State Mufti, Dr. Haji Japar bin Haji Mat Dain. In Figure 1, the total fatwas recorded in the bar chart totals up to 1735 fatwas.¹⁰

⁷ Abdul Qayyum Aminuddin and Mohd Anuar Ramli, "Penggunaan Mazhab Selain Syafi'i Dalam Fatwa Negara Brunei Darussalam," *Jurnal Pengurusan dan Penyelidikan Fatwa (INFAD)* 7 (2016): 152.

⁸ Nurdeng Deuraseh, "Is Imbibing Al-Khamr (Intoxicating Drink) for Medical Purposes Permissible by Islamic Law?," *Arab Law Quarterly* 18, no. 3 (2003): 355–364.

⁹ Norarfan Zainal and Mahayudin Yahaya, *Ketokohan Dan Sumbangan Yang Dimuliakan Pehin Datu Seri Maharaja Dato Seri Utama (Dr.) Awang Haji Ismail Bin Omar Abdul Azizi Dalam Bidang Ilmu Dan Pendidikan Agama* (UNISSA Press, 2017).

¹⁰ A. Rani, "Pehin Datu Seri Maharaja Dato Seri Utama (Dr) Haji Ismail Omar Abdul Aziz: Analisis Metodologi Fatwa Dalam Menegakkan Aqidah Ahl Al-Sunnah Wa Al-Jama'ah Di Negara Brunei Darussalam," *Ar-Raiq* 2 (2018): 1.

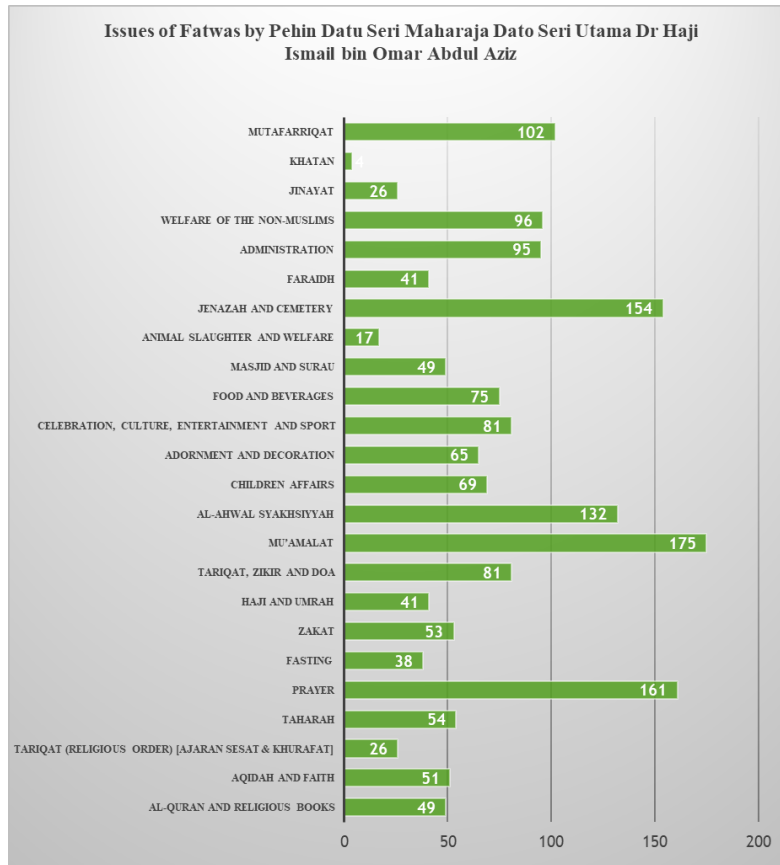


Figure 1. The number of fatwas according to their relevant categories, issued by the first State Mufti of Brunei between 1961 to 1993

1.5. Problem Statement

The existence of fatwa is because of the existence of an issue and no doubt fatwa is a crucial means in responding to the questions and issues that are raised by the public and means to establish the well-being and peace in the country.¹¹ Among this issue, the issue of halal consumption especially related to food and beverage is still a growing phenomenon.¹² Over the years, concerns of various issues regarding halal consumption law continue to exist and fatwa is one of the methods in clearing people's doubts. This study aims to analyze the past fatwas being issued particularly in relation to halal consumption, to view any pattern or trends that can be interpreted for the benefit of future studies or matter of improvements.

¹¹ Mohd Anuar Bin Ramli et al., "Fatwa Sebagai Medium Counter-Terrorisme," *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 17, no. 2 (2018): 223–242, <http://jurnal.uin-antasari.ac.id/index.php/al-banjari/article/view/2133>.

¹² Nurdeng Deuraseh, *Lawful and Unlawful Foods in Shariah* (Selangor: Persatuan Percepatan Melayu & Attin Press Sdn Bhd, 2016).

1.6. Objectives

This study aimed to fulfill the following objectives:

1. To compile fatwas in relation to halal consumption from 1994-2015
2. To further categorize each fatwa according to the nature of the problem
3. To find out any significant pattern or trends from the compiled fatwas

2. Method

The method used in this study is a qualitative descriptive method. The data used are secondary data sourced from publications namely books, journals, newspapers, websites, and policy documents relating to the issues discussed. Fatwa is only issued by Mufti in response to question and concerns of the public. Among this issue, the issue of halal consumption, especially related to food and beverage is still a growing phenomenon.¹³ Over the years, concerns about various issues on food consumption continued to persist and fatwa is seen as one of the methods of clearing people's doubts. Furthermore, this study aims to analyze the past fatwas, particularly about halal consumption to observe any patterns or trends that can be interpreted for the benefit of future studies or matters of improvement. This study involved analysis method of reviewing, reading, and analyzing books and documents to extract information mainly from the number of fatwas issued by the first State Mufti of Brunei (1961-1993) as shown in Figure 1 besides the book series collection of fatwa compilation by Brunei Darussalam dating from 1994-2015. These books were published by the State Mufti Office and were obtained for the use of this study from the university library.

The scope of this study, fatwas specifically on human consumption were scanned and compiled. Only fatwas that are of high relevance to the halal laws of food/beverage consumption are compiled. As such, fatwas on *aqiqah*, *korban*, pigs, and dogs not related to food are not considered. The compiled fatwas related to halal consumption laws were further analyzed and put into suitable categories for better interpretation of results. In addition, this study also analyzed each fatwa for any significant pattern or trends that could be of importance.

3. Results and Discussion

Table 1 showed about compilation of fatwas issued arranged chronologically and the theme of the nature problem (Jabatan Mufti Kerajaan (*JMK*), 1994-2000, 2002-2006, 2008,

¹³ Nurdeng Deuraseh, *Penentuan Halal-Haram Dan Fatwa Berkaitan* (Selangor: Persatuan Percekatan Melayu & Attin Press Sdn Bhd, 2016).

2010-2011, 2014). This study has categorized the fatwas into categories namely, alcohol, ingredients issues, animal slaughter, food handling, non-muslim involvement, and halal status of animals about halal consumption. Within the period selected for this writing, it is found that there is no record of fatwa in the years 2001, 2007, 2009, 2012, 2013, and 2015. Around one to five fatwas were issued per year. This shows that matters relating to halal consumption have been occasionally asked throughout this period.

Among these categories, the most frequently asked questions were about alcohol with a record of nine fatwas making up to 30%. The least nature of the problem asked was about the food handling and halal status of animals, with a record of 3% and 7% respectively. 23% consist of 7 fatwas were about non-Muslims, 6 fatwas (20%) were about ingredient issues whereas 5 fatwas (17%) were about animal slaughter. Figure 2 compiles this information in the form of a pie chart.

Based on Figure 2, there are four major fatwa topics have been identified such as alcohol, ingredients issues, animal slaughter, and non-Muslim. These topics reflect significant findings in terms of patterns and trends of the previously issued fatwa.

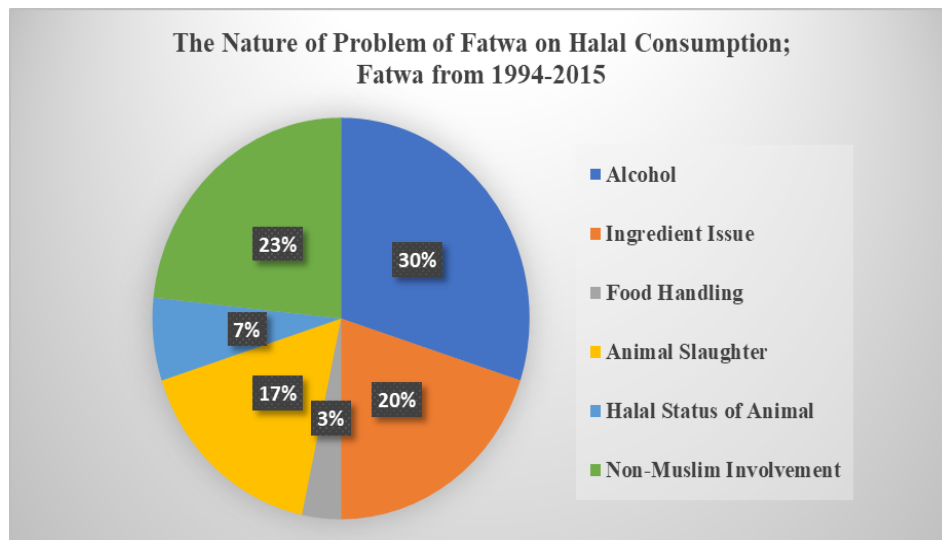


Figure 2. A pie chart showing the percentage difference of fatwa on halal consumption

Table 1.
A List of Fatwa Compilation by Jabatan Mufti Kerajaan

Year Issued	Issue	Category
1994-1995	Attending functions where alcohol is served	Alcohol
	Utilizing the government budget for alcohol consumption	Alcohol
	Whether those in authority are obligated to prohibit alcohol consumption	Alcohol
	Prohibiting alcohol consumption	Alcohol
	Monosodium Glutamate in prawn crackers	Ingredient Issue
1996	Islamic method of animal slaughter: is it cruel?	Animal Slaughter
1997	Animal fat content in bread	Ingredient Issue
1998	Preparation of satay without first removing the blood and method of cleaning meat	Food Handling
	The use of a special tranquilizer system on the animal after slaughter	Animal Slaughter
1999	The Signboard “Eating Place Not for Muslims”	Non-Muslim Involvement
	Food and drinks mixed with Alcohol	Alcohol
	Soft drinks in a beer bottle	Alcohol
2000	Slaughtering chicken used in idolization	Animal Slaughter
	Leasing restaurant licenses to non-Muslims	Non-Muslim Involvement
2002	Dad’s Old Fashioned Root Beer	Alcohol
2003	The law of eating <i>Tapai</i>	Alcohol
2004	Emulsifier	Ingredient Issue
	Non-Muslim restaurant that sells halal meat	Non-Muslim Involvement
	Why Muslims are not allowed to eat in restaurants owned by Non-Muslims?	Non-Muslim Involvement
2005	Eating <i>syubhah</i> meat (slaughtered by Muslim minority countries)	Non-Muslim Involvement
2006	Sausage meat encased with pork intestine	Ingredient Issue
	Muslim dining in a restaurant owned by non-Muslims	Non-Muslim Involvement
	Buying meat in a shop owned by non-Muslims	Non-Muslim Involvement
	Eating fish that has been fed with <i>najis</i>	Halal Status of Animal
	Post-slaughter thoracic sticking	Animal Slaughter
2008	The issue of slaughtering using the stunning method	Animal Slaughter
2010	The use of Alcohol in Food	Alcohol
	The Law of eating Ketam Kaluk	Halal Status of Animal
2011	Golden Churn Product – Pure Creamy Butter	Ingredient Issue
2014	The law of using <i>Cochineal</i> coloring in food products, medicines, and cosmetics	Ingredients Issue

Alcohol is one of the main prohibitions in Islam. This prohibition is mentioned in various *shari'ah* sources such as the Qur'an and hadith.¹⁴ The majority of the issues surrounding the involvement of alcohol in food, particularly the amount of alcohol that can be traced and to what extent the definition of intoxicating is concerned. This study would like to point out a significant finding relating to the ruling of eating *tapai*. This same issue was discussed twice and mentioned in two fatwas in 1999 and 2003 respectively. In 1999, the State Mufti had already stated that the alcohol in *tapai* is the result of fermentation and hence it was ruled that *tapai* is halal to be consumed as long as the alcohol content does not reach an intoxicating level (JMK, 1999). In 2003, this issue was raised again because, in Malaysia, there was a verdict saying despite alcohol in *tapai* being a result of fermentation, it is considered haram regardless (JMK 2003). Based on the verdict from Malaysia, the presence of alcohol in food is unacceptable. Nevertheless, the State Mufti remained firm with his past verdict. These past comparisons have shown that people can be easily influenced by others' opinions and requesting clarification from the State Mufti was considered a safe and good practice as a Muslim instead of immediately making the judgment.

In the context of the content of a product, this study also managed to categorize a few fatwas that were issued because people were concerned about the ingredients found in the products. Ingredients such as animal fat and emulsifiers are examples of a situation where there is a need for scientific interference (JMK, 1997) (JMK, 2004). These ingredients raised concerns as they were unable to determine the source of the animal fearing it may be from pork or from an animal in general that has not been slaughtered with the Islamic method. Fatwas on these issues have shown that conducting lab analysis can help to determine the halal status of ingredients. The issue of animal fat in 1997 can now be dealt with using advanced technologies that can help identify the identity of animal fat.¹⁵ On the contrary, the issue of *Golden Churn* product in 2011 is an example where analysis from two trusted laboratories contradicts in result with a laboratory in Brunei stating there is no DNA of pig detected. Despite this, the State Mufti clarified that the haram verdict by the other laboratory had resulted in the product being *syubhah* and at the time deemed the product to be avoided until a consistent result could be obtained. This has shown that

¹⁴ Deuraseh, "Is Imbibing Al-Khamr (Intoxicating Drink) for Medical Purposes Permissible by Islamic Law?"

¹⁵ A.A. Aida et al., "Analysis of Raw Meats and Fats of Pigs Using Polymerase Chain Reaction for Halal Authentication," *Meat Science* 69, no. 1 (2005): 47–52, <https://www.sciencedirect.com/science/article/pii/S0309174004001597?via%3Dihub#!>

the State Mufti gives a ruling based on shariáh and eliminates the bias of his own country in making a decision.

The animal slaughtering business has evolved over the years due to Muslim high meat consumption. Improvements in the slaughtering aspect have been enforced to increase production to meet increasing demand for halal meat (Nurdeng Deuraseh, 2016). However, not all innovations in slaughtering have been openly accepted (Fuseni A et al, 2017). For example, people were asking about the use of tranquilizers, thoracic sticking, and stunning. Everything is considered a modern method in halal animal slaughter. This has shown that Brunei has considered Islamic rulings to accept current modern technologies and not simply accept them despite all the benefits that they may incur.

Fatwas issued about non-Muslims were about the rulings of dining in restaurants or eateries owned by them or about purchasing products sold by them. In all these fatwas, the state mufti has always mentioned the cautiousness of consuming what is deemed as *syubhah* i.e consuming food or beverages that we are not clear of its ruling between halal and haram. These issues were raised in 1999, 2000 and 2004, 2005, and 2006. Interestingly in 2005, the Islamic Religious Council first introduced the Halal Meat Act (Chapter 77 Act 183) and the law of acquiring Halal Certification and Halal Label. In the explanation of these fatwas, there was never a mention of the possibility of a restaurant owned by a non-Muslim having the halal logo and hence will eliminate the ruling of *syubhah*. This analysis may suggest that the initiation of these laws in Brunei, helped to overcome the problem of people's confidence in a certain restaurants. On the other hand, it was noted that fatwas under this category issued in 2004 and 2006 are highly similar and that the fatwas issued by the State Mufti had the same verdict. (JMK, 2004) (JMK 2006) This may indicate that there is a lack of awareness of the past fatwas being issued. Hence, people ended up inquiring about similar issues. Furthermore, we can compare legislation and regulation halal governance in Indonesia, because Indonesia has become the forefront of halal industry in the world.

Indonesia is a country with a majority Muslim population, which amounts to 87,18% of the total population of Muslims.¹⁶ So the demand for halal products is quite large. Indonesia is a country that pays attention to religious guarantees and worship for all its residents. This is contained in the Constitution 1945 Article 29 paragraph 2 which states that "the State guarantees

¹⁶ Badan Pusat Statistik, "Sensus Penduduk 2019: Penduduk Menurut Kelompok Umur Dan Agama Yang Dianut," last modified 2019, accessed April 26, 2022, <https://sp2019.bps.go.id/index.php/site/tabel?tid=320&wid=0000000000&lang=id>.

the independence of each resident to embrace their respective religions and to worship according to that religion and belief". Religious guarantees suggest that the population is given the freedom to determine their chosen beliefs. While the guarantee of worship is the freedom to worship in accordance with sharia. For Muslims, choosing halal products becomes an obligation that is worth worshipping. The government is responsible for this by providing protection and guarantee of halal products for the Muslim community. The certainty of halal products can be calming to the mind for people who consume or use them.¹⁷

In Indonesia, regarding halal fatwas is the responsibility of the Indonesian Ulama Council (MUI). MUI is the body responsible for managing halal fatwas for the main reference of the Muslim population in Indonesia. MUI is held by 26 scholars representing 26 regions in Indonesia, 10 scholars consisting of Islamic organizations such as, Nahdatul Ulama, Muhammadiyah, Syarikat Islam, Perti, Al-Washliyah, Math'laul Anwar, Joint Islamic Education Reform Efforts (GUPPI), Indonesian Mosque Council and al-Ittihadiyyah, 4 scholars from the Islamic Spiritual Service, namely, the Army, Air Force, Navy and National Police of the Republic of Indonesia as well as 13 figures / scholars who are individual figures.¹⁸

The majority of Islamic communities in Indonesia practice the Shafii Mazhab in their lives but in issuing fatwas MUI does not fully adhere to the views of the Shafii Mazhab and is open to accepting the views of the Maliki Mazhab, Hanafi Mazhab and Hambali Mazhab.

Based on some of these clauses have proven the openness of MUI in accepting the views of the four Mazhab. The views of the four Mazhab are referred to by choosing the most powerful views of the proposition and leading to the benefit of the public or usually it is referred to as muqaranah al-madhahib.¹⁹ MUI also prioritizes primary sources such as the Al-Qur'an and sunnah and secondary sources such as ijmak, al-qiyas, al-istihsan, al-masalih al-mursalah and sadd al-dhari'ah. Halal certification in Indonesia has developed along with the increasing awareness of halal in the community. To ensure the existence of halal products, especially against food, cosmetics, and medicines, the government issued a Halal Act. Certification, which was originally the realm of MUI's work through LPPOM was then transferred to BPJPH which is an official government institution under the auspices of the Ministry of Religious Affairs.

¹⁷ Sheilla Chairunnisyah, "Peran Majelis Ulama Indonesia Dalam Menerbitkan Sertifikat Halal Pada Produk Makanan Dan Kosmetika," *EduTech: Jurnal Ilmu Pendidikan dan Ilmu Sosial* 3, no. 2 (2017): 64–75, <http://jurnal.umsu.ac.id/index.php/edutech/article/view/1251>.

¹⁸ Majelis Ulama Indonesia, "Profil MUI," *MUI*, accessed April 26, 2022, <http://mui.or.id/tentang-mui/profil-mui/profil-mui.html>.

¹⁹ Sekretariat Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975* (Jakarta: Majelis Ulama Indonesia, 2011).

Table 2.
Halal Act (JPH) No. 33 of 2014

Sections	Articles	Matters Administrated
One	4 articles (1-4)	General requirements; <ul style="list-style-type: none"> • Halal product is a product declared halal according to Islamic law (article 1 point 2); • All products entered into and traded in Indonesia must be halal-certified (article 4).
Two	12 articles (5-16)	Administrator of JPH; <ul style="list-style-type: none"> • Related Ministry and local administrative as BPJPH (article 5 point 2); • 10 duties of BPJPH (article 6); BPJPH to work together with related agencies in • executing the 10 duties (article 7-11); • Matters related to LPH (article 12-13); • Matters related to halal auditor (article 14-15).
Three	6 articles (17-22)	Ingredient and process of halal product; <ul style="list-style-type: none"> • List of haram ingredient (article 18); • Animal slaughter according to Islamic (article 19); • Location, place, and equipment in halal production must be separated out from that of Non-halal (article 21), otherwise warning letter and fine will be issued for those who break this (article 22).
Four	6 articles (23-28)	Matters related to businessperson; <ul style="list-style-type: none"> • Right for businessperson (article 23), obligation of businessperson when applies for halal certificate (article 24), requirements for those entrepreneurs who already had the-certificate (article 25); • Administrative penalty for those who break article 25 (article 27) • Matters related to halal supervisor (article 28).
Five	17 articles (29-45)	Procedure obtaining halal certificate; <ul style="list-style-type: none"> • Documents for halal certification (article 29 point 2); • Checking and examination by halal auditor (article 31-32); • Decision on halal-ness a product by MUI (article 33); • Issuance of halal certificate by BPJPH (article 35-36); • Matters related to halal label (article 37-41); • Halal certificate renewal (article 42-43); • Fees of halal certificate to be borne by applicant, in case the applicant is a micro and small (SMEs) entrepreneur, the fees can be facilitated by other parties (article 44).
Six	3 articles (46-48)	International cooperation; <ul style="list-style-type: none"> • One of international cooperation is halal certificate recognition (article 46 point 2); • Foreign products are subject to this act (article 47 point 1); • Administrative penalty for foreign products who break the law governed within the act (article 48).
Seven	4 articles (49-52)	Surveillance related matters; <ul style="list-style-type: none"> • Supervising controls related parties (article 49 - 52).
Eight	3 articles (53-55)	Participation of the community related matters.

Sections	Articles	Matters Administrated
Nine	2 articles (56-57)	Criminal provisions related matters; <ul style="list-style-type: none"> • Producers whose their products already halal-certified but fail to maintain halal-ness of their products are subject to maximum of 5 year imprisonment, or fined Rp. 2 billion (USD\$131.900) (article 56); • The informed formula by the entrepreneurs during the process of halal certification is confidential. Maximum of 2 years imprisonment, or fined Rp. 2 billion (USD\$131.900) for the related parties who break this (article 57).
Ten and Eleven	6 and 5 articles (58-68)	Matters related to transitional provisions. Closing and related substantive matters.

Legislation refers to the law issued by an official governing body, while a regulation carries out specific pieces of legislation.²⁰ Law and regulation for a halal product is crucial for consumer protection, ensuring moral obligation of producers, and gaining a competitive advantage in both local and global markets.²¹ Legislation and regulation are critical for the first line of defense in halal governance. Citing Wiyono who highlighted a scandal voiding halal in Indonesia, stated lack of government regulation had caused so.²²

Remarking Indonesia’s experience of almost five decades to finally release a specific legislative law on halal, is paradox of which the Country has the biggest Muslim population worldwide, yet it took a half-century to issue so. Nevertheless, with Halal Product Assurance Act (JPH) No. 33 of 2014.²³ Indonesia has moved forward with bringing halal into its constitutional level. Endorsed so, the discussion among the Indonesian legislators took the period of nine years to finally release it on 25 September 2014.²⁴ This Act makes halal certification in Indonesia mandatory. To some extent, this comprehensive Act may disprove the statement of, who

²⁰ Business Dictionary, “What Is A Regulation? Definition and Meaning,” accessed April 26, 2022, <http://www.businessdictionary.com/definition/regulation.html>.

²¹ Noriah Ramli, “Laws and Regulations on Halal Production,” *INHART, IIUM USIM-HDC Halal Executive Programme 2010*, last modified 2010, accessed April 26, 2022, http://irep.iium.edu.my/16117/1/HALAL_LEGAL_CONTROL-USIM-HDC_HEP_1_2010-2.pdf.

²² Sulisty Prabowo et al., “Revealing Factors Hindering Halal Certification in East Kalimantan Indonesia,” *Journal of Islamic Marketing* 6, no. 2 (2015): 268–291, <https://www.emerald.com/insight/content/doi/10.1108/JIMA-05-2014-0040/full/pdf?title=revealing-factors-hindering-halal-certification-in-east-kalimantan-indonesia>.

²³ Michelle Limenta, Bayan M. Edis, and Oscar Fernando, “Disabling Labelling in Indonesia: Invoking WTO Laws in the Wake of Halal Policy Objectives,” *World Trade Review* 17, no. 3 (2018): 451–476, <https://www.cambridge.org/core/journals/world-trade-review/article/abs/disabling-labelling-in-indonesia-invoking-wto-laws-in-the-wake-of-halal-policy-objectives/AC92A276E83E05E3098B40E3AD5A5CE9>.

²⁴ Panji Adam Agus Putra, “Kedudukan Sertifikasi Halal Dalam Sistem Hukum Nasional Sebagai Upaya Perlindungan Konsumen Dalam Hukum Islam,” *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 1, no. 1 (2017): 150–165, <https://ejournal.unisba.ac.id/index.php/amwaluna/article/view/2172>.

mentioned a lack of government laws and regulation was among the factors hindering halal certification in the local context.

4. Conclusion

The State Mufti Office has made an astounding effort to compile these fatwas in the form of a book, which is available in their library collection. It can be suggested that these books get more recognition from the public and perhaps make these compilations available in digital form to adapt to the present public which is mostly a digital gadget user.

The public should also be encouraged to convey their doubts about any matters that require further clarification on its Islamic rulings, directly to the State Mufti as it is their duty. This does not limit it to government bodies but to any individual.

With these suggestions combined, everyone can benefit from updated rulings on the different problems that arose. Since issuing fatwa is in most cases related to the permissibility of matters, these should be known by any Muslims, not just the person who first thought of the problem alone. By right, it is the responsibility of every Muslim to learn more about Islam. Based on the results of the study and discussion.

Thus, based on the results of study and discussion, with the advancement of technology and globalization, many *shari'ah* issues have been shown to need further clarification from Islamic authorities and scholars such as Mufti. Fatwas issued in the past by the State Mufti should be acknowledged and studied to develop ones knowledge of Islam and to adapt better as a Muslim in this evolving world

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