

Halal Compliance in Poultry Industry: A Review of Regulatory System in Malaysia

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Abstract: *Halal* food compliance is a critical issue for Muslim consumers, hence becomes a major challenge for Malaysia as a leader in the development of global *halal* market. This study provides a review of the regulatory system in the poultry industry practised in Malaysia and explores common problems faced by the authorities in enforcing *halal* compliance among poultry slaughtering and processing businesses. *Halal* compliance describes the ability of the businesses to act according to *halal* requirements as outlined by the *halal* authority. Their level of compliance depends on the effectiveness of the enforcement efforts. A content analysis approach was employed to gather adequate data for the purpose of this study. The results show that securing *halal* compliance requires collective efforts and coordination between the regulatory bodies involved in the industry. This study provides better understanding of control mechanism in *halal* industry in general, which helps in securing *halal* authenticity and subsequently *halal* integrity throughout food supply chains as envisioned in the *Halal* Industrial Master Plan (HIMP).

Keywords: Halal Compliance, Halal Authority, Regulatory System, Poultry

Introduction

Chicken meat is the main protein diet among Malaysians. Malaysia's per capita consumption of poultry meat is at 40kg per year (Department of Veterinary Services Malaysia, 2016), among the highest in the world. Halal status of chicken meat available in the market is a continuing struggle for Muslim consumers in particular. Many incidents in poultry slaughterhouses have been reported to affect the authenticity of halal chicken available in the market. Serious offences which result in non- *halal* status of chicken generally occur during

slaughtering processes. Some firms that practice electrical stunning did not administer the correct voltage which caused some chickens to die before the slaughtering stage. Following *shariah* compliance of slaughtering, a chicken must be alive, and slaughtered according to strict *halal* slaughtering rules in that one must allow most of the blood to drain from the body of the chickens so that they die naturally due to blood draining. But some firms did not correctly administer proper slaughtering rules and did not complete the blood draining process before proceeding to the scalding process. As a consequence, some chickens might die because of drowning instead of being slaughtered.

Halal compliance in poultry slaughterhouses is a crucial issue to be addressed in order to eliminate uncertainty of the halal chicken meat available in the market. In this case, halal certainty largely depends on the effective governance system which is able to formulate effective strategies to ensure that halal authenticity is preserved at all time. Another critical issue is the fact that many of these poultry slaughterhouses were not registered or licensed, thus control and monitoring process by relevant authorities was not effective. In March 2014, the Minister in the Ministry of Agriculture and Agro-based industry was reported to urge all state governments to enforce the Poultry Farming Enactment to ensure all poultry slaughterhouses are licensed, registered and that they meet *halal* principles. Errant slaughterhouses are subjected to fine and possible closure. How far the order has been taken into action by the state governments and its success are still unknown.

Since chicken meat is an important diet for Malaysian, its *halal* status is very critical. It is of paramount interest to know the systems that govern their *halal* compliance, therefore effective strategies can be formulated to ensure that *halal* authenticity is preserved at all time.

Aims of Study

The purpose of this study is to explore the roles of regulatory bodies in securing *halal* compliance in the downstream poultry industry, in particular slaughtering and processing stages. Further, it provides better understanding of the regulatory system in the poultry industry practiced in Malaysia with regards to *halal* compliance. The system comprises of several regulatory bodies which involve directly or indirectly in administering and monitoring the activities of downstream poultry industry.

Methods

This study employed a qualitative research approach utilising both primary and secondary data obtained from various documents. Review of these documents such as *Halal* Standards, Manuals, legal documents, journal articles and reports was conducted to gather adequate information and data on the subject matter.

The Concept of Halal

Halal is a mandatory for Muslims as prescribed in the Islamic teachings. Allah commands all mankind to consume lawful (*halal*) and good (*tayyib*) things.

“O mankind! Eat of that which is lawful (halal) and good (tayyib) in the earth, and follow not the footsteps of Syaitan (Satan). Verily! He is to you an open enemy” (Quran 2: 168)

Halal and *Tayyib* are two prerequisites in food consumption that is stated in the Quran. *Halal* is the threshold of lawful, meanwhile *Tayyib* means good quality in terms of safety, cleanliness, nutritional and authenticity (Noordin, NorLaila Md Noor, Hashim, & Samicho, 2009). *Halal* and *tayyib* themselves, describe the importance of hygiene, safety and quality in Muslim food consumption choices.

Islam also provide detail prescriptions of food of animal origin (Quran 2: 173; .5: 3; 6: 145; 16:115). All permissible animals must be slaughtered properly before it is consumed. However, dead animals of the sea are excluded from this ruling. Allah prohibits His servant from consuming a carrion, an animal that dies before properly slaughtered or hunted. This prohibition is for the benefit of mankind because consuming the carrion is harmful, religiously and physically.

Meanwhile, slaughtering generally refers to a process of cutting the throat to sever the trachea, oesophagus and the major blood vessels back and forth the head and heart (Nor Azman Ngah, n.d.). The major blood vessels are the left and right carotid arteries (from the heart to the head) and the left and right jugular veins (from the head to the heart). *Halal* slaughtering method specifies clearly the act of slaughtering must sever the trachea (*halqum*), oesophagus (*mari'*) and the carotid arteries and jugular veins (*wadjain*) (Department of Standards Malaysia, 2009; Department of Islamic Development Malaysia, 2011). Both Figure 1 and Figure 2 illustrate how chicken should be slaughtered according to the halal slaughtering methods.

The rulings about animal's slaughtering are the most important aspect in discussion of *halal* food. These rulings are broadly classified into four elements; the slaughterer, the animal slaughtered, tools and equipment for slaughtering, and the slaughtering method. Halal slaughtering is not merely a religious ritual but it is a necessary practice in preparing healthy and safe food for human consumption, Muslim or non-Muslim alike.

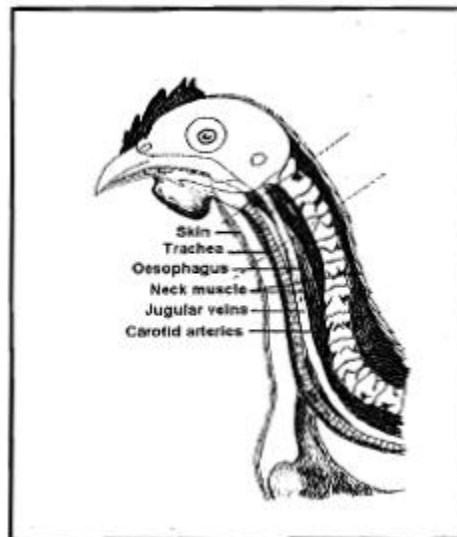


Figure 1: Salughtering part of chicken (Source: Department of Standards Malaysia, 2009))

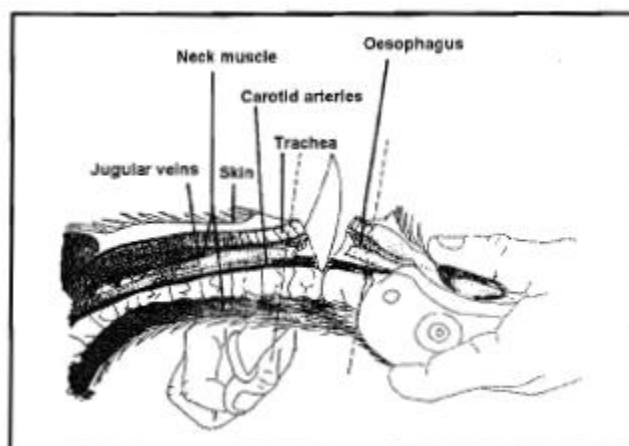


Figure 2: Method of slaughtering Chicken (Source: Department of Standards Malaysia, 2009))

Halal Regulation in Malaysia

Halal affairs in Malaysia generally falls under the jurisdiction of the Department of Islamic Development (JAKIM) and the Islamic Religious Council of the States (MAINs)/ the Department of Islamic Religious Affairs of the States (JAINs) because *halal* is classified as a religious matter specifically for Muslims. However, since the term “*halal*” has a commercial value regardless of religious beliefs, it is then classified as a trade description and therefore, legally governed by the Trade Description Act 2011. This Act and its subsidiary legislation- the Trade Description (Definition of Halal) Order 2011 and the Trade Description (Certification and Marking of Halal) Order 2011-, provide protection to traders and consumers from unhealthy trade practices using the term “*Halal*”.

A. Trade Description (Definition of *Halal*) Order 2011

This subsidiary legislation states that when a food or goods described as *halal* or described in any other expression to show food or other goods that can be consumed or used by the Muslims, the expression means that food or other goods:

- a) Is not and shall not consist of or contain any part of an animal or thing prohibited by Islamic Law for Muslims to eat or not slaughtered according to Islamic law;
- b) Does not contain anything that is unclean according to Islamic law;
- c) Not intoxicating according to Islamic law;
- d) Does not contain any part of a human limb or product thereof which is not permitted by Islamic law;
- e) No-toxic or injurious to health;
- f) Has not been prepared, processed or manufactured using any fecal contaminated equipment in accordance with; and
- g) Shall not in the course of preparing, processing, or storing contact, mixed or near any food that fails to satisfy paragraph (a) and (b).

When the service in relation to food or goods, including transportation, storage and processing of raw materials, catering and retail food or good is described as *halal*, the expression means that the service is carried out in accordance with Islamic law.

Any person who violates the Order is guilty of an offense and upon conviction shall be fined up to RM1 million or imprisonment not exceeding 3 years or both for the individual. The penalty for a company or body corporate is a fine of up to RM 5 million.

B. Trade Descriptions (Certification and Marking of *halal*) 2011

This subsidiary legislation provides legal authority to the Department of Islamic Development Malaysia (JAKIM) and the Islamic Religious Council of the States (MAINS)/ the Department of Islamic Religious Affairs of the States (JAINs) respectively as the only competent authority to certify that any food, goods or services in relation to food or goods is lawful under the Trade Descriptions (Definition of *Halal*) 2011. Under this order, all food, goods and services cannot be described as “*halal*” unless it is:

- a) Certified as *halal* by the competent authorities (JAKIM and MAINS/ JAINs) ; and
- b) Marked with a logo that is issued by the competent authorities (JAKIM and MAINS/ JAINs)

Any person who violate the order is guilty of an offense and upon conviction may be fined up to RM100,000 or imprisonment not exceeding three years or both for the individual. The penalty for a corporate body is a fine up to RM250,000.

Halal Regulatory System in Poultry Slaughtering and Processing Industry

Halal regulatory system in Malaysia involves many authorities because statutory provisions relating to *halal* are piece-meal in nature (Zakaria & Ismail, 2014). There are many laws that govern *halal* related matters but those laws are formulated for different government agencies with different rights and powers (Zain, Rahman, Ishan, & Aziz, 2015; Idris & Noh, 2018; Tsotsou & Stamou, 2018; Sharairi, 2018)

Even though the main provisions on *halal* food and product can be principally found in regulations made under the general provisions of the Trade Description Act 2011, other laws such as Food Act 1983, Animal Act 1953 and Customs Act 1967 also at some extent regulate different areas of *halal* in Malaysia.

A standard protocol had been developed to be a reference for *halal* slaughtering activities. This protocol known as the Malaysian Protocol for the *halal* meat and poultry production was developed by a committee from various agencies including the JAKIM, the DVS, the Department of Standard Malaysia, the Ministry of Health, the Ministry of International Trade and Industry and the SIRIM Berhad. The purpose of publishing this protocol is the implementation of the Malaysia Halal Standard, MS1500:2009 Halal Food Production Preparation, Handling and Storage –General Guidelines (Second Revision), in producing quality *halal* products. At the same time this protocol provides fundamental guidelines on good *halal* practices in the meat, poultry, meat base and poultry base productions throughout the entire supply chain.

There are at least three (3) government agencies directly regulate poultry slaughtering activities. Table 1 shows these three agencies cover different scopes of regulations. In terms of regulating *halal* practice, it is obviously the responsibility of *halal* authority namely the JAKIM and the MAINS/ JAINs. But *halal* authority has limited legal authority in monitoring and controlling the activities that take place in the poultry slaughtering and processing premises. *Halal* authority exercises its full control and monitoring roles for those premises certified with the *halal* certification only. Meanwhile, for other premises without *halal* certification, effective control

cannot be performed by the *halal* authority. It needs support from other agencies with other legal authority to complement the control and monitoring process at poultry premises. These agencies are the Department of Veterinary Services and the Local governments.

Table 1.0:

Regulatory bodies governing poultry slaughtering and processing businesses

Regulatory body	Statutory provision	Level of enforcement	Scope of the regulation
JAKIM & MAINS	Trade Description Act 2011	Federal	<i>Halal</i> definition and <i>Halal</i> marking
Department of Veterinary Services	States' Enactment of Poultry Farming	States	Food safety of animal origin
Local government	Local Government Act 1976	Local Government	Business premise license

The Department of Veterinary Services (DVS) is the main regulatory body concerning livestock and poultry industry. This government agency has dual responsibility extended from the farm to the slaughterhouse; to control livestock disease at farm level and to ensure the safety of foods of animal origin. Poultry farming is governed by the State's Enactment of Poultry Farming within the jurisdiction of the DVS at the state level. Under the provision of this enactment all poultry farming activities must be registered with the DVS. The main concern of this enactment is to control avian diseases and to ensure safety of poultry products at farm, slaughtering and processing stage. Nonetheless, the control of *halal* aspects in poultry farming, slaughtering and processing is not the jurisdiction of the DVS.

The DVS in collaboration with other agencies; including the Ministry of Health, the Department of Environment, the Department of Islamic Religious Affairs of Selangor, the Ministry of Domestic Trades and Consumer Affairs (KPDHEP), the Shah Alam City Council and Klang Municipal Council had published a manual for small and medium scale poultry slaughterhouse, known as the 'Manual Pengurusan Premis Penyevelihan dan Pemprosesan Ayam Berskala Kecil dan Sederhana' (Jabatan Perkhidmatan Veterinar Malaysia, n.d.). This manual becomes a guideline to systematically and efficiently managing small and medium scale poultry slaughterhouse therefore ensuring the safety of the products. The issuing of this manual also aims to incorporate and enhance synergy between related agencies and departments. This manual provides complete guidelines and technical specifications for poultry slaughterhouse operator to manage the premise. The scope of the manual covers choosing the location, setting up the premise, equipment and instruments, processing method, workers' personal hygiene and safety practices, cleaning and sanitising the premise and equipment, and effluent treatment. *Halal* aspects also broadly stated in this manual in terms of slaughterer's requirements and slaughtering method.

The Director General of the Department of Veterinary Services, Ministry of Agriculture and Agro-based Industry had made a press statement in March 2014, explaining the jurisdiction of DVS with regard to *halal* control at poultry slaughtering premises (Department of Veterinary Services, 2014). In general, he stated that there is no legal provision for any agency to control poultry slaughtering premises with regard to *halal*. However, he suggested that the local governments can exercise their authority in controlling poultry slaughtering premises within their jurisdiction to include the control of *halal* aspects, following the Local Government Act 1976.

Corresponding to the effort of the DVS in providing guidelines for poultry slaughterhouses, the Local Government Department at the Ministry of Urban Wellbeing, Housing and Local Government had published a document known as the Guidelines for Chickens, Ducks and Birds Slaughter Centre at Local Government Areas (Jabatan Kerajaan Tempatan, n.d.). This document becomes a standard reference for state and local government in administering activities of poultry slaughtering premises at their respective areas in accordance to the Circular No.1, 2014 issued by the Secretary General of the Ministry of Urban Wellbeing, Housing and Local Government. Among the objectives highlighted in the Guidelines for Chickens, Ducks and Birds Slaughter Centre at Local Government Areas is to ensure that poultry slaughtering premises meet *halal* requirements of JAKIM and MAINS/ JAINs. It is clearly stated in the guidelines that the usage of stunning equipment in the slaughtering premises must meet the JAKIM's *halal* standard. Hence, the local government plays an important role in supporting the implementation of *halal* practices in poultry slaughtering premises through its legal authority in giving permit or license for the businesses to operate.

Conclusion

Securing *halal* compliance at poultry slaughtering premises requires collective efforts and coordination between the regulatory bodies involved in the industry. *Halal* affairs are within the jurisdiction of JAKIM and MAINs/ JAINs. Nonetheless, their jurisdiction is limited and they need support from other regulatory bodies especially the Department of Veterinary Services and the local government. In general the local government is the responsible authority in licensing of business premises, including poultry slaughtering premises. Licensing of poultry slaughtering premises is important for the purpose of controlling and monitoring their activities to be in compliance with specific safety requirements including *halal* aspect.

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