

# CONSUMER BEHAVIOR ON HALAL PRODUCT

(A Comparative Study In Indonesia and Australia)

Islam is not a mere religion. It is a way of life. There are rules (or manners) governing the individual Moslems. However, these manners are more than just mere rules of social courtesy. There are derived from the broad objectives of Islam and reflects its ideas and values. Hence, they have, for Moslems devine inspiration. While none of general principles of faith can be changed, the precise details of application of the rules may differ according to the fashions and circumtances of local groups. The true purpose of Islamic rules lies in its religious character.

Muslims throughout history and throughout the different parts of the world are concerned about the Halal and the Haram. Among other things they are concerned about is eating the Halal foods and drinking Halal liquids. They also to earn through Halal methods, as well as to spend their money, time, effort, energy, and knowledge through Halal approach.

**Fatawa Publishing**

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Telp. 024-74019660, Fax. 024-7600432  
E-mail: fatawapublishing@yahoo.co.id

ISBN 978-602-71272-7-2

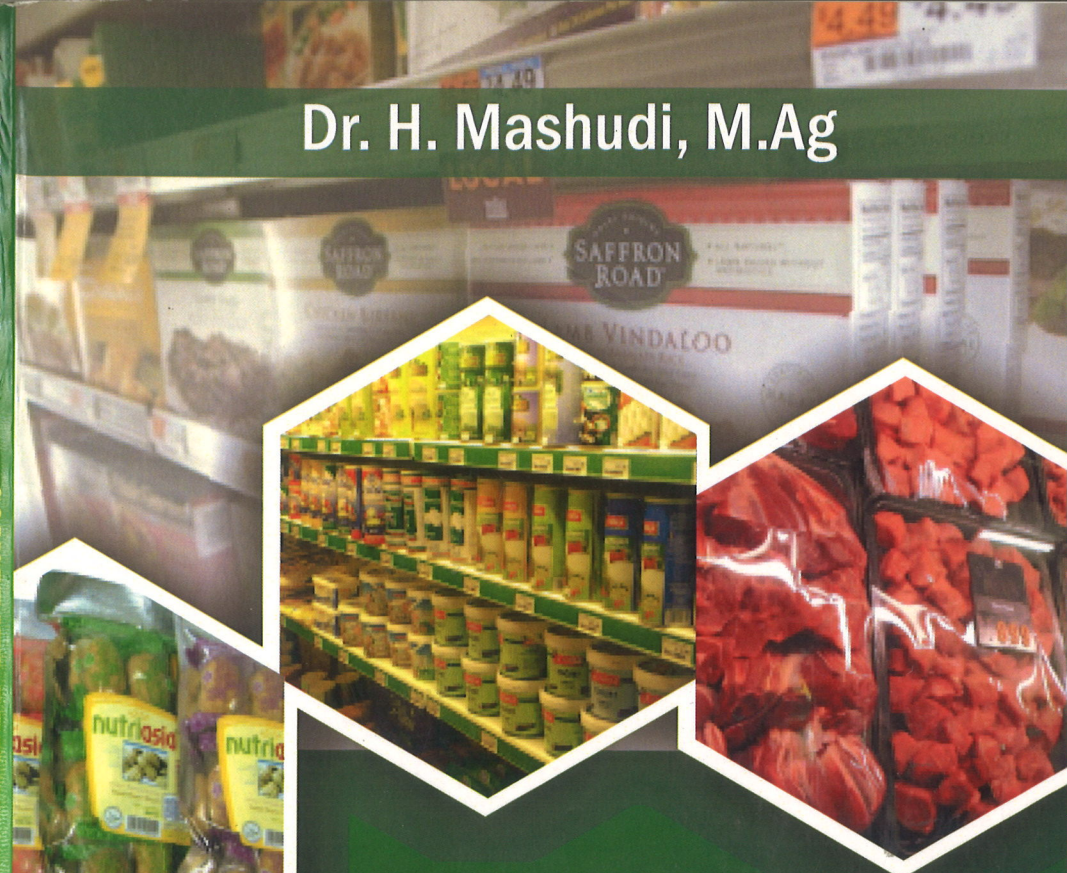


Dr. H. Mashudi, M.Ag

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## UNDANG-UNDANG HAK CIPTA NO. 19 TAHUN 2002

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**Perpustakaan Nasional: Katalog Dalam Terbitan (KDT)**

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Consumer Behavior on Halal Product—A Comparative Study In Indonesia and Australia /Mashudi,—Semarang: Fatawa Publishing, 2014.

14 x 21 cm

ISBN 978-602-71272-7-2

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Australia

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Publisherd by:

**FATAWA PUBLISHING**

Jl. Beringin Raya KM. 02 RT/RW. I/VIII Ngaliyan, Semarang,  
Jawa Tengah, Indonesia

Telp. (024) 024-74019660, Faks. (024) 7600432

Emai: fatawapublishing@yahoo.co.id

**ISBN: 978-602-71272-7-2**

Hak Cipta dilindungi Undang-Undang No. 19 Th. 2002

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Cetakan Pertama, Oktober 2014

# PRAFACE

In this study, Consumer Behavior on Halal Product is used as a theoretical framework with the aim of extending prior research examining halal food purchasing behavior in Indonesia and Australia. Data are collected through self-administered questionnaires. This report uses indepth-analysis to identify the factors affecting halal food purchasing behavior of Indonesia and Australia consumers. The analysis results indicate that all factors have positive and significant influence on halal food purchasing intention. Like other empirical studies, this study is not without its limitations. The sample size itself is relatively small. The study can be strengthened by increasing the sample size and including participants in other geographical areas. This study also considered only three antecedents of halal food purchasing among consumers in Indonesia and Australia. As Indonesia is actually trying to play for a bigger role in the halal industry, more research is needed to identify and address problematic aspects of consumption of halal food. Potential correlations between some of the independent variables (e.g. trust, moral obligation, habit, and self-identity) need to be reported in a future study. This study contributes to and extends our understanding of the halal food

purchasing behavior, identifying the rationales for purchasing of halal foods. From a managerial viewpoint, the findings provide support for investment decisions and for decisions relating to the establishment of Indonesia and Australia as a halal hub that address and take the concerns and needs of businesses, beside that both Indonesia and Australia Governments agencies into consideration.

*Halal, halal, and halaal* is a *Quranic* word meaning lawful or permitted, which is the dietary standard prescribed in the *Quran*. In the *Quran*, it is mentioned that all foods are *halal* except those that are specifically mentioned as *Haram*, which is prohibited or unlawful. In the English language, it most frequently refers to food that is permissible according to Islamic law. In the Arabic language, it refers to anything that is permissible under Islam.

In the Muslim majority, as Indonesian Muslim Community, the concept of *halal* is an absolute key to consumption. Muslim consumers nowadays are faced with a broad selection of products and services. Each product category offers many different brands either locally named or internationally recognized. Some of the local brands appear to capture their own niches by projecting themselves as "Islamic" brands via their creative packaging and labeling. This also indirectly signals to their primary target, which is the Muslim consumer, the *halal* status of their products.

The Muslim population in and around us is large and Islam is the fastest growing religion on earth, both by birth and adoption. With Muslims now making up one quarter of the world's population, the market opportunities are outstanding and the global *halal* marketplace is too lucrative a market for food

manufacturers to ignore. There are altogether more than two hundred billion Muslim populations in the my country spreading over 112 island, and than six billion Muslim Community in Australia across diverse regions such as Organisation of Islamic Conference Nations, are need halal food. With the global *halal* market estimated to be worth US\$580 billion a year and the *halal* food industry pegged to grow at a rate of 7 percent annually. According to global group HighBeam Research, cited in the *Halal Journal* (2008), the current estimated value of the total *halal* market is US\$150 billion, but this has the potential to rise to US\$500 billion by 2010, driven by the increasing value and diversity of the consumer market, combined with strong demographic trends across the world (Anne-Birte, 2007). Extra levels of quality certification have attracted an unprecedented demand for Muslim and non-Muslim consumers (Patton, 2008).

Commercially, the Islamic consumer market is the fastest growing in the world. Owing to two reasons, the *halal* food market is the fastest growing in the world. First, it can be linked to religious fervor and beliefs that it is cleaner, healthier, and tastier and second, for the tremendous acceptance of *halal* within the global population through the process of assimilation. Foreign foods in some countries as in Europe have become assimilated and local tastes are changing, encouraged by global tourism and reverse colonization. It is recognition not only for the Muslim people but also for the benchmark for safety and quality assurance.

The Australian International Markets Bureau reports an international *halal* food trade of \$150 billion a year. A study by JWT (2007) in the USA reported that the total spending power of



Muslims in the USA was estimated at more than \$170 billion, as Muslims represent a major untapped niche market. The UK *halal* market alone is currently a US\$4 billion market, with strong demand for specialized and healthy *halal* food (Islam 786 Forum, 2008).

For the *halal* food market, the demand is increasingly outpacing the food supply and the two strongest markets for *halal* products are South-East Asia and the Middle East with the Muslim consumer base estimated to be 1.9 billion, spreading over 112 island. On average, the world's *halal* food trade is estimated US\$150 million per year.

Manufacturers and marketers use the *halal* certification and logo as a way to inform and to reassure their target consumers that their products are *halal* and *Shariah* compliant. In general, the Muslim consumers in Indonesia look for the authentic *halal* certification issued by Indonesia's of Islamic Council (MUI) which is under the purview of the Ministry in the Prime Minister's Department. This certification granted the companies the use of the *halal* logo for printing on their products' packaging or for display at a company's premises. Indonesia now is actually trying to play a bigger role in the *halal* industry in the world. According to reports (22 January 2006) by Halal Food Journal.

Beside that, there are more than 5 different ministries and agencies that continue to have input in *halal* regulation. Although, Indonesia is predominantly a Muslim country, its participation in the *halal* industry is still insufficient when compared to Australia, which is fast emerging as a *halal* hub. The production of *halal* food was valued at more than 12 billion between January 2005 and October 20011, quoting the figures from the Statistic

Department. It shows that the size of the *halal* food market is huge. The Indonesian Government has created a number of institutions to cater for the *halal* food product, especially the MUI. LPPOM MUI is the only important authority in monitoring and implementing *halal* food products.

Progress in scientific and technology also successfully development at least have exploration to every aspect living humanity not only brought easily, happiness, but also add a lot of problem. High technology as a manner is symbolized by new scientific many groups of people concern with new scientific for example about the food they eat. Jews are concerned if the food is kosher or not. Hindus and Buddhists are concerned about their food too. Muslims are concerned about the food being lawful (*halal*). Impact from technology influence to they food. If animal are to be used. They have to be sloughed according to Islamic Syari'ah other food items should be devoid of pork, ham, lard, bacon, and other bi-product of the zat additive is include to be problem with they food. Indicators problematic according me included law problem in Indonesia and also social problem, and economic problem.

*Wallahu yahdi ilaa sawa al-sabil*

Writer,

**Dr. H. Mashudi, M.Ag.**



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# Chapter I

## INTRODUCTION

### A. Background of the Research

Islam is not a mere religion. It is a way of life. There are rules (or manners) governing the individual Moslems. However, these manners are more than just mere rules of social courtesy. There are derived from the broad objectives of Islam and reflects its ideas and values. Hence, they have, for Moslems devine inspiration. While none of general principles of faith can be changed, the precise details of application of the rules may differ according to the fashions and circuntances of local groups. The true purpose of Islamic rules lies in its religious character. It derives from and sustains man's need to remember God and help him act rightly and correctly. <sup>1</sup> In basicly that statement, Ahmad H. Sakr said that:

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<sup>1</sup> Wilmot, 1987 in the Religious of Departement of Republic Indonesia, *Bunga Rampai : A Safety Halal Product in Members MABIMS Countries*, *ibid.*, p. 90.

“Moslems are expected to eat for survival to maintain good health and not to live for eating. In Islam, eating is considered to be a matter of worship of God like prayer, fasting, and other religious activities. A Moslem eat to maintain a strong and healthy physique in order to be able to contribute his knowledge and efforts for the welfare of society. Moslems are supposed to make an effort to obtain food of the best quality nutritionally.”<sup>2</sup>

Muslims throughout history and throughout the different parts of the world are concerned about the Halal and the Haram. Among other things they are concerned about is eating the Halal foods and drinking Halal liquids. They also to earn through Halal methods, as well as to spend their money, time, effort, energy, and knowledge through Halal approach.<sup>3</sup> The Qur’an is explicit about eating Halal. In Surah Al-Baqarah Allah (swt) says the following:

*“O you people ! Eat of what Islam on earth, lawful and good; and do not follow the footsteps of Satan for he Islam to you an avowed enemy”. (2: 168)*

The Legislator of Halal and Haram in Islam is only Allah (swt). People Muhammad (pbuh) was the only one who had the right to explain the Qur’an, to interpret it, and to deliver it. He lived it and delivered it to all.

Wael Hallaq’s article is the most provocative, for he suggests that because the traditional socioeconomic infrastructure that supported the Shari’ah as social institution in the pre-modern

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<sup>2</sup> Wilmot, 1987 in the Religious of Departement of Republic Indonesia, *Bunga Rampai : A Safety Halal Product in Members MABIMS Countries, ibid.*

<sup>3</sup> Ahmad H. Sakr, *Understanding Halal Foods : Fallacies and Facts*, Lombard : Foundation For Islamic Knowledge, 1996, p. 1.

world has vanished in the face of centralized state, the Syari'ah cannot be restored without revolutionary institutional changes in the Arab state that would, at minimum, give religious scholars the institutional independence to formulate a legitimate vision of Islamic law. <sup>4</sup>

The area we call Indonesia is an archipelago of over 17,000 islands located squarely on the equator between Australia to the south and Malaysia, Cambodia, Vietnam, and Philippines to the north. Some 6,000 of these islands are inhabited. The best known islands of this group are Java, Sumatera, and Borneo (collectively known as the Greater Sunda Islands) and New Guinea. Approximately two thirds of Borneo (the province of Kalimantan) is part of Indonesia, with the other third belonging to Malaysia. New Guinea is divided roughly in half between Indonesia (Irian Jaya) and Papua New Guinea. Indonesia covers an area of nearly two million square kilometers, with 95 percent that being land and the other 5 percent water (CIA, 2006), <sup>5</sup> the add of the people more than 250 million now.<sup>6</sup> And then in Indonesian Country there are twenty eight provinces. So the majority of the people stay in Java. We can call the Regent of Special big Town of

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<sup>4</sup> Wael B. Hallaq dalam Yvonne Yazbeck Haddad and Barbara Freyer Stowasser, (eds.), *Islamic Law and the Challenge of Modernity*, Lanham, MD : AltraMira Press, 2004 sebagaimana dalam Abdul Hamid Abu Sulayman (ed.), *The American Journal of Islamic Social Sciences*, Washington, D.C. : The Association of Muslim Social Scientists & The International Institute of Islamic Thought, Volume 24, Winter 2007, Number 1, p. 99.

<sup>5</sup> Read Karl DeRouen Jr. and Paul Bellamy (ed.), *International security and the United States : An Encyclopedia*, Volume 1, America : Praeger Security International, 2008, p. 324.

<sup>6</sup> See new data from Indonesian Governmental.



Jakarta Province, Banten of Province, West Java of Province, Central Java of Province, and East Java of Province, etc.

The discussion about halal and haram in Indonesia and Australia is something interesting, because <sup>7</sup>: *First*, Indonesia, more than eighty four per cent Are Moslems. *Second*, especially in modern era which all of foods, drugs and cosmetics not independent subject but it user by additive. The food additive is a substance or mixture of substances, other than a basic food stuff, which is present in food as a result of any aspect of production, processing, storage or packaging. The term does not include chance contaminant.

Some regulations for established certification of halal products in Indonesia, for example: Indonesian Act (Number 23/1992: Health), Indonesia Act (Number 7/1996: Food), Indonesian Act (Number 8/1999: Consumer Protection), President Instruction (Number 2/1991: Increasing Guidance and Production Control and Food Additive Rotation), Government Regulation (Number 69/1999: Labelling and Advertising). But, in fact, some accidents about halal food and the law enforcement does not effectively make good condition. Similarly, these cases also exist in Australia.

In Arabic, *halal* means literally that which is permitted, authorized, or prescribed, as opposed to *haram*, which refers to that which is forbidden and not permitted. In contemporary Muslim societies, halal and haram primarily refer to dietary restrictions that Muslims are expected to follow. Muslims are not

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<sup>7</sup> Religious of Departement of Republic Indonesia, Bunga Rampai : A Safety Halal Product in Members MABIMS Countries, 2003, p. 89.

permitted to eat the meat of an animal that has not been ritually slaughtered according to certain rules and rituals. Halal dietary restrictions are similar to the Jewish practice of observing kosher rules regarding food and have a similar range of strictness regarding its observance. In the pluralistic societies of a globalized world, maintaining halal practices can be arduous, but it also provides a distinct marker between observant and nonobservant Muslims. When North African immigrants first began to emigrate to Europe during the 1950s and 1960s, eating halal food was not a major issue. The first generation of Muslim migrants in Europe were poor or working class and were not in a position to insist on proper halal preparation of the meat that they purchased and prepared for consumption. Later generations of Muslims, however, are better educated and paid and have tended to stay in immigrant communities that are able to replicate the customs of their places of origin, and they have been more insistent about keeping halal food practices.

Since the 1990s, there has been an emerging demand for halal-approved food in public restaurants in Europe and America, especially in areas dominated by Muslim immigrant communities. The public debate about halal food in France began in 2002, when a food store in Paris limited its offerings to halal food and stopped carrying alcohol and pork, thereby becoming the first market to shift to *le Tout Halal* (“the full halal”). Several years later, Quick, a fast-food hamburger chain that competes in France with McDonalds, experimented in 14 of its restaurants by offering its customers the choice of having halal beef in their hamburgers and having the bacon in bacon burgers replaced by smoked turkey. The experiment was an overwhelming success, and the chain

quickly expanded these offerings to dozens of other restaurants in its network. The marketing ploy was not without controversy, however; some politicians decried the move as being contrary to French secular values, and a local mayor accused the chain of funding Muslim clerics with the fees that it provided them for certifying that the meat used in their burgers was properly halal.<sup>8</sup>

The social impact of the dietary laws and food customs in the immigrant Muslim communities is their ability to help provide their groups a cultural distinctiveness and shore up the communities' sense of identity. In a postmodern world, the need for expressing a sense of communitarian identity is acute, and for Muslims living in Europe and America, the practice of halal food consumption is one way these cultural and social ties are enhanced.<sup>9</sup>

## A. Problem

Some of cases: an experiences in Indonesia about attached label lawful (*halal*). According to report of LP POM MUI and Australia all modus operandi which they have done: without attached label lawful (*halal*). Not attached time limit used (*daluwarsa, tarih luput*) case in 1996, aromatic meat (sisis aroma), in 1997 case stunning, in 1999-2000 chicken import (1999-2000), *celeng sop* (2000-2002), ajinomoto case (2001),

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<sup>8</sup> Mustapha Radji, (ed. Mark Juergensmeyer & Wade Clark Roof), *Encyclopedia of Global Religion*, Publishing Company: SAGE Publications, October 22, 2013, p. 500-501

<sup>9</sup> Mustapha Radji, Further Readings Fischer J. (2011). *The halal frontier: Muslim consumers in a globalized market (Contemporary Anthropology of Religion)*, London: Palgrave Macmillan. Riaz M., and Chaudry M. (2003). *Halal food production*. London : CRC Press.

heart import case (2001-2012), *ayam duren* case (2013), Formalin and Boraks case (2006-2012), Milk have melamine case (2008), etc.

Hence, from that cases may be any question to discuss this research:

1. What is the LP POM MUI and Australia activity ?
2. How attitude towards halal products in Indonesia and Australia will influence to consumer behavior to choose Halal product.
3. What is the solution to maintain halal foods, drugs, and cosmetics in Indonesia and Australia ?

## **B. A Goal of Research**

1. To know the LP POM MUI and Australia activity.
2. To know attitude towards halal products in Indonesia and Australia will influence to consumer behavior to choose Halal product.
3. To look for the solution to exist halal foods, drugs, and cosmetics in Indonesia and Australia.

## **C. Research Methods**

This section outlines the methodology employed in the study. The study was carried out with a survey approach. This section provides a description of the design of the research instrument, the interview procedure, and all data collection from Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of *Ulama* (LP POM MUI) and Australia procedure.

This research has advanced two central claims. *First*, Part I argued that under certain conditions, reviewing courts may

implement constitutional guarantees more effectively by crafting doctrines that raise the costs to government decision makers of enacting constitutionally problematic policies. When the conditions described in Part I are satisfied, this enactment cost strategy has distinct advantages over both case-by-case balancing approaches and absolute, categorical rules that designate certain types of government action as prohibited or permitted. *Second*, Part II attempted to show that, while few if any judicial doctrines are explicitly and consciously designed with the primary purpose of raising legislative enactment costs, many doctrines in fact have that effect. Thus, the enactment cost approach to judicial regulation of constitutionally problematic government activity may be more widespread than it would at first appear, and certain doctrinal approaches may be justified on enactment cost grounds even if these doctrines were not developed explicitly with that purpose in mind. At the very least, federal courts already have the doctrinal resources to implement such a strategy, if they choose to do so.<sup>10</sup>

The fact that an enactment cost strategy may be effective under some circumstances does not mean, however, that existing doctrines are well suited to this function. Indeed, given that few if any existing doctrines were designed with the express purpose of manipulating legislative enactment costs, it would be quite surprising if it turned out that all these doctrines served this function well. Part of the point of this Article is to suggest how

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<sup>10</sup> Compare with Matthew C. Stephenson, *The Price of Public Action : Constitutional Doctrine and Judicial Manipulation of Legislative Enactment Costs*, Copyright (c) 2008 Yale Law Journal Company, Inc.; Matthew C. Stephenson)

consideration of the screening functions served by judicial enactment cost manipulation may lead to productive suggestions for doctrinal.

For the sake of accountability and accuracy of data as well as the benefits to be achieved (both theoretical and practical), this study used the methodology as follows:

*First*, the type of research. This research is a field research (field research) with the advanced nature of qualitative data supported by the literature. Meanwhile, if it is viewed from the aspect of purpose, this research can be grouped into applied research (applied research) because in addition to getting information, this research can also be used to solve the problem. This study also combines the two forms of research, basic research and applied research. Basic research aims to develop a theory and not notice an immediate practical usefulness. Basic research is generally conducted in controlled laboratory conditions that are tight. In this context, the laboratory in question is LP POM MUI and Australia and the response of the community in the area. The applied research is conducted with the purpose of implementing, testing, and evaluating the ability of a theory that is applied in solving practical problems. For the occasion of this study, the results is obtained to build the legal construction of halal products. So pure research/foundation here with regard to the discovery and development of related science halal labeling in the location of research and community responses to it. After the study was to produce "something", then this research will apply research that is namely the construction of the law concerning the certification and labeling of halal products in Indonesia.

Departing from this framework, this study in addition to research into the law as "law in books", which in many cases using normative legal research, legal research as well as the "law in action" that attempts to link between law with social institutions, so that research using sociological or socio-legal research legal.

*Second*, the approach to research. This research uses socio-legal approach to track down more about public response to the process of certification and labeling of halal products to the primary data, secondary data obtained from field research. And it is to define law approach by the law as a norm, rule, regulation, legislation in force at a particular time and place as the product of a particular State's sovereign powers. While the sociological approach is used in an attempt to identify and define law as a real institution and functional in the system patterned on social life. With a sociological approach, the law functions as a regulator of life together that must undergo a long process and involve various activities with different qualities.

Socio-legal approach is then analyzed qualitatively with the foundation of constructivism paradigm through knife legal analysis as a tool of social engineering, responsiveness, and social facts. This approach was necessary because the process of certification of halal products will have broad impact in the community, which hopes eventually entrued aspired law (*ius constituendum*). In order to achieve wholeness preparation of this dissertation, the author uses descriptive-analytical approach which then attempted to draw general principles of law and the formulation of norms that will become a reference for preparing a dissertation on the basis of ascertaining the facts of philosophical, sociological, juridical, psikopolitic society, and economics.

Withdrawal of legal principles and norms are part of the preparation of dissertation.

About the preparation of this dissertation, the author does not only take advantage of national and foreign literature, but also the primary legal materials that are also supported by studies per comparative law regarding product guarantees pensijilan kosher or halal practices in Australia. The author was directly involved in research in Australia and Kuala Lumpur, Malaysia. Furthermore, the authors make use of secondary legal materials such as research results Halal Journal LP POM MUI, the results of research at several universities, national legislation, as well as the provisions established and developed a national Islamic organizations as well as the results of assessment and research other-juridical qualitative.

*Third*, data collection techniques. Maximum target in this research is an integrative research, which can clarify the systems that have been in effect, construct a well-established law that is felt not at once answer any problems that arise in society. Therefore, the technique of data collection is done through two ways, namely normative and empirical. Below is the translation of these two things: a) Questionnaire. List of questions or statements that are prepared to get some data, is open which means the form of questions with short answers or short description (oral form). While the scale in questionnaire form that was used is a Likert scale, the scale developed by Rensis Likert in 1932. The form is most commonly used scale to measure attitudes, opinions, perceptions of respondents at the sites.

Therefore, the data source used is: *First*, the primary data, ie data obtained from field research relating directly or indirectly



with public response to the certification and labeling of halal products, LP POM MUI and Australia fatwa in the field of certification and labeling halal products reviewed through a socio-legal approach. *Second*, secondary data, namely the research literature, including: 1) Research related to the rules of legislation concerning food, drink and drugs to support the process of certification and labeling of halal products, 2) materials related literature certification and labeling of halal products, as well as government policies in the field of halal products so as to protect the consumer. The next step, the author conducted fieldwork, which is a work record, observe, listen, feel, gather and catch all the phenomena, data, and information on all matters relating to the certification of halal products LP POM MUI and Islamic Community in Brisbane. 3) Data Analysis Techniques. Once the data collected related to this research, further developed systematically to obtain a comprehensive picture of the institutionalization of certification and labeling of halal products. Furthermore, in analyzing the data, it used qualitative methods. That is why, in every study of this research if more advanced explanation is descriptive, eclectic, content analysis and rationalistic. Researchers are trying to put forward the idea that science came from an intellectual understanding of the capability built-depth study (in-depth analysis).

Using various methods, materials and information sources to provide explanations, interpret and perceptions as well as possible about the object under study is a long process, detailed and specific in terms of qualitative research that called triangulation. Departure from the triangulation is, consistently, the authors do with the data accuracy through a three-point pole, namely: the methods, theories, and data sources.

The data were collected using a self-administrated structured questionnaire. The first section gathered information about respondents demographic, the second part measured consumer attitude towards Halal products, subjective norms and intention to choose Halal products. The final section encompasses the measures of inter-and intra-personal religiosity. The data were collected during the last one month of the previous year in the adjacent Brisbane cities and Queensland. Data were gathered from various locations (restaurants, super markets and food parks) using a convenience sampling procedure. The questionnaire items for attitude towards the Halal products, subjective norms and intention to choose Halal products were adopted from the recent work of Lada et al. (2009).

Attitude towards the Halal products was measured with the help of two items, subjective norm was measured with the help of three items and intention to choose Halal products was measured using four items on a seven-point Likert-type scale, where 1 indicated strongly disagree and 7 reflected strongly agree. Inter- and intra-personal religiosity was measured using ten-item battery of RCI (Mokhlis, 2009; Worthington et al., 2003). The scale has been validated in a number of studies across different religions and cultures (Mokhlis, 2009). The RCI consists of four items measuring intra-personal religiosity (cognitive) and six items measuring inter-personal religiosity on a seven-point Likert-type scale (Lung et al., 2008). The questionnaire was developed in English as the majority of the respondents were educated enough to read and understand English. A pilot run with 25 respondents that were excluded from the main study was conducted to test the questionnaire. The respondents indicated

no confusion in answering the questions. More importantly for the main study the enumerators were instructed to help in case a person had difficulty in understanding any question. In total, 150 respondents were contacted to participate out of which 130 agreed giving a response rate of 20 per cent.

#### **D. Objectives and Benefits Research**

In general, this research wants to find models, assess and find the legal regulations in order to find out and answer the public response to kosher certification process. This objective is based on the consideration that the salvation of body and soul is a living community needs and in accordance with the purpose of implementation of halal certificate itself. The authors do more interpretation, namely an attempt to explore, discover and understand the values and norms that live and thrive in the community to be a consideration in constructing the law.

In particular, this dissertation aims: 1) Identifying and analyzing the public response to the certification of halal products by LP POM MUI and Islamic Community Brisbane. 2) It offers an ideal remedy that should be pursued LP POM MUI on public response to the certification of halal products for effective and efficient. 3) Promoting the proper legal construction of the certification of halal products in order to have legal certainty for the community in the national legal scene. This research is expected to give contributions theoretically and practically.

Contributions of theoretical thinking, in the form: *First*, build a conceptual model of national legal systems in the field of certification of halal products are integrated. *Second*, construction law, particularly the regulation of legal matters, relating to certification of halal products. In the real of practical-pragmatic,

research is expected to achieve: *First*, to empower communities to be useful and efficient in responding to the certification of halal products. *Second*, give practical-anticipative policy direction for the policy makers in solving problems directly related to halal products. *Third*, encourage the protection and safety of consumers in various aspects of the effect of consuming products that are not kosher. *Fourth*, to contribute to the strengthening of institutions LP POM MUI and Australia in fulfilling the mission of health in the fields of food, beverages and medicines that are equipped with the structure and infrastructure.

By great hope that goal is achieved, thanking to the optimistic after the researchers conducted literature review, in which of the many literary and scientific works that the author found, the authors believe that this research has high originality and accountability. In other words, this dissertation is different when it is compared with previous research results, either in the form of research, journals, books, research reports, purity, freelance writing, papers, and other forms, are: *Firstly*, the originality of this dissertation can be proved from the focus and principal study that is entirely new and accountable. *Secondly*, the use of research approaches relevant to the focus of the study, namely socio-legal approach and the paradigm of constructivism. *Third*, this dissertation research study is a thorough analysis (indepth analysis) and predictive. *Third* excellence and the most dominant point of difference from earlier studies is what makes researchers more positive on the maximum results, especially on the condition of the existing legal order is still partial, not focus and has not been ideal.

There are 2 (two) paradigm on law enforcement certification of halal products in the face of modernization or the legal process

of shifting from "old" to the "new" law. The first paradigm is voluntary, where the certification only requires awareness of the business, while institutions that process is passive and is not a binding obligation. This paradigm is still valid today. The problem is, if the voluntary paradigm is still retained, many become victims of violations of norms of business actors, especially consumers. Based on the results of the study, almost evenly on each business actors tend to be in violation, especially in the use of additive substances indiscriminately. This is a denial of business against the legal norms of kosher products available, although still partial.

The second paradigm is mandatory, where the laws of kosher products that are still scattered and partial are about to be determined by way of legal construction via the proposed Constitution Halal Product Warranty. The problem, it also brings consequences that the law should have a new runway, because she would be separated from the principles and moral doctrines that became the pedestal. To this intent, it needs to put the new rules as a basis for legal certification of halal products. Whether or not making a decision about a paradigm shift, it will be analyzed and tested through a socio-legal approach to the constructivist approach.

There are three adagia classic that can be used as the foundation of law. Or at least, it could be the rationale to formulate a code of ethics of the legal profession. All three are classic adagia *ius est ars boni et aequi* (law are skills (applying) the value of kindness and decency), *male UTI Enimnostro iure non debemus* (let us not abuse our laws), and *malitiis indulgendum neque est* (let us not surrender to evil). Third adagia, this

classic is worthy of being a guide when seeking construction-related legal dilemmas that are full of halal products. One side of the manufacturers want to get profit attained their maximum in the midst of tight competition, on the other hand, consumers want quality products at affordable prices. While the state, as the mother of two elements, like it or not required to be "guidance as" their own interests. Consequently, the linkage between producers, consumers and countries become increasingly complex. For that, the approach ansich law without considering the socio-economic-political grow, both locally, nationally, and globally, is only a blind alley.

Constructivism paradigm has much in common with post-empirical and critical theory. Constructivism argues that the epistemological universe as a result of social construction, related to labeling/certification of halal products, the problem that there is an outcome of negotiations of the constellation of political-social-economy of a given society. Thus, the construction agenda laws regarding Halal Product Warranty, of course, based on the consideration of public response to halal product labeling.

The main source of this research is the data obtained from research-related field, either directly or indirectly, with public response to the certification of halal products in Australia. The data is read through the approach of socio-legal theory with the paradigm of constructivism.

## **E. Theoretical Framework**

The Consumer Behavior proposes that a person's objective and intent to purchase a product is based on two core aspects, one is the personal in nature and second is the reflection of social

influence (Lada et al., 2009). Personal element is the individual positive or negative assessment of a particular behaviour. This factor is referred to as attitude towards the behaviour (Ajzen and Fishbein, 1980). The second factor in Consumer Behavior is one's own perception of the social pressures to behave or not, in a particular manner (Ajzen and Fishbein, 1980; Lada et al., 2009). The behavioural beliefs, i.e. the act of consuming or buying Halal products, are the beliefs that motivate a person's attitude towards behaviour. On the other hand, subjective norms also referred to as normative norms, are a function of beliefs that specify an individual's thinking about the acceptability of a particular behaviour by related groups, for example consuming Halal products (Lada et al., 2009).

Two of the propositions offered by TRA are considered most important to the existing research. The first one is the prediction of purchasing behaviour, which involves measuring a person's attitude towards performing the purchase behaviour not the general attitude (Lutz, 1991). Thus, according to Consumer Behavior a person may hold positive attitude towards Halal products but still does not want to buy Halal products. The second aspect is the role of subjective norm, i.e. the social influences on the person's behaviour, which may include friends, peers and other family member expectations (Lutz, 1991).

Thus, a person might not have a positive attitude towards Halal products, but the incongruence between his/her attitude and family and friends' expectations may dictate his intention to choose Halal products. Consumer Behavior has been rigorously used in understanding consumer intention to choose a wide range of products and services, such as organic food,

environmentally friendly products, online shopping attitude and intention to choose Halal products (Battacherjee, 2000; George, 2002; Jarvenpaa and Todd, 1997; Kalafatis et al., 1999; Lada et al., 2009; Sparks and Shepherd, 1992). However, in case of choosing Halal products past research using Consumer Behavior failed to incorporate the role of religiosity in predicting such attitudes. It will be interesting to investigate which component of religiosity better predicts consumer intentions to choose Halal products.







## Chapter II

# HALAL PRODUCT IN INDONESIA AND AUSTRALIA

### A. General Concept of Halal and Haram

In Arabic, *halal* means literally that which is permitted, authorized, or prescribed, as opposed to *haram*, which refers to that which is forbidden and not permitted. In contemporary Muslim societies, halal and haram primarily refer to dietary restrictions that Muslims are expected to follow. Muslims are not permitted to eat the meat of an animal that has not been ritually slaughtered according to certain rules and rituals. Halal dietary restrictions are similar to the Jewish practice of observing kosher rules regarding food and have a similar range of strictness regarding its observance. In the pluralistic societies of a globalized world, maintaining halal practices can be arduous, but it also provides a distinct marker between observant and nonobservant Muslims.<sup>11</sup>

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<sup>11</sup>Mustapha Radji in <http://dx.doi.org.ezproxy.library.uq.edu.au/10.4135/9781412997898.n301> Print pages: 500-501 Show page numbers

When North African immigrants first began to emigrate to Europe during the 1950s and 1960s, eating halal food was not a major issue. The first generation of Muslim migrants in Europe were poor or working class and were not in a position to insist on proper halal preparation of the meat that they purchased and prepared for consumption.<sup>12</sup> Later generations of Muslims, however, are better educated and paid and have tended to stay in immigrant communities that are able to replicate the customs of their places of origin, and they have been more insistent about keeping halal food practices.

Since the 1990s, there has been an emerging demand for halal-approved food in public restaurants in Europe and America, especially in areas dominated by Muslim immigrant communities. The public debate about halal food in France began in 2002, when a food store in Paris limited its offerings to halal food and stopped carrying alcohol and pork, thereby becoming the first market to shift to *le Tout Halal* (the full halal). Several years later, Quick, a fast-food hamburger chain that competes in France with McDonalds, experimented in 14 of its restaurants by offering its customers the choice of having halal beef in their hamburgers and having the bacon in bacon burgers replaced by smoked turkey. The experiment was an overwhelming success, and the chain quickly expanded these offerings to dozens of other restaurants in its network. The marketing ploy was not without controversy, however; some politicians decried the move as being contrary to French secular values, and a local mayor accused the chain of funding Muslim clerics with the fees that it provided them for

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<sup>12</sup> Riaz M., and Chaudry M., *Halal Food Production*, Lon-don: CRC Press, (2003), p. 57

certifying that the meat used in their burgers was properly halal.<sup>13</sup>

The social impact of the dietary laws and food customs in the immigrant Muslim communities is their ability to help provide their groups a cultural distinctiveness and shore up the communities' sense of identity.<sup>14</sup> In a postmodern world, the need for expressing a sense of communitarian identity is acute, and for Muslims living in Europe and America, the practice of halal food consumption is one way these cultural and social ties are enhanced.<sup>15</sup>

## **B. Halal Product in Muslim Indonesian Community**

The area we call Indonesia is an archipelago of over 17,000 islands located squarely on the equator between Australia to the south and Malaysia, Cambodia, Vietnam, and Philippines to the north. Some 6,000 of these islands are inhabited. The best known islands of this group are Java, Sumatera, and Borneo (collectively known as the Greater Sunda Islands) and New Guinea. Approximately two thirds of Borneo (the province of Kalimantan) is part of Indonesia, with the other third belonging to Malaysia. New Guinea is divided roughly in half between Indonesia (Irian Jaya) and Papua New Guinea. Indonesia covers an area of nearly two million square kilometers, with 95 percent that being land

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<sup>13</sup> Fischer J., *The halal frontier: Muslim consumers in a globalized market (Contemporary Anthropology of Religion)*. London: Palgrave Macmillan, (2011), p. 39

<sup>14</sup> <http://dx.doi.org.ezproxy.library.uq.edu.au/10.4135/9781412952514>

<sup>15</sup> Mustapha Radji, <http://dx.doi.org.ezproxy.library.uq.edu.au/10.4135/9781412997898.n301>

and the other 5 percent water (CIA, 2006).<sup>16</sup> The add of the people more than 250 million now.<sup>17</sup> And then in Indonesian Country there are twenty eight province. So the majority of the people stay in Java. We can call the Regent of Special big Town of Jakarta Province, Banten of Province, West Java of Province, Central Java of Province, and East Java of Province, etc.

The discuss about halal and haram in Indonesia is something interesting, because<sup>18</sup>: *First*, more than eighty four per cent are Moslems. *Second*, especially in modern era which all of foods, drugs and cosmetics not independent subject but it user by additive. The food additive is a substance or mixture of substances, other than a basic food stuff, which is present in food as a result of any aspect of production, processing, storage or packaging. The term does not include chance contaminant.

Some regulating for established certification of halal products in Indonesia, for example: Indonesian Act (Number 23/1992: Health), Indonesia Act (Number 7/1996: Food), Indonesian Act (Number 8/1999: Consumer Protection), President Instruction (Number 2/1991: Increasing Guidance and Production Control and Food Additive Rotation), Government Regulation (Number 69/1999: Labelling and Advertising). But, in fact, some accident about halal food and the law enforcement not effectively to make good condition)

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<sup>16</sup> Read Karl DeRouen Fr. and Paul Bellamy (ed.), *International security and the United States : An Encyclopedia*, Volume 1, America : Praeger Security International, 2008, p. 324.

<sup>17</sup> See new of data from Indonesian Governmental.

<sup>18</sup> See Religious of Departement of Republic Indonesia, *Bunga Rampai : A Safety Halal Product in Members MABIMS Countries*, 2003, p. 89.

## 1. Some of Cases: an experiences in Indonesia

According report from LP POM MUI said that all modus operandi which they done as: without attaches label lawful (*halal*). Not attached time limit used (*daluwarsa, tarih luput*) case in 1996, aromatic meat (sosis aroma), in 1997 case stunning, in 1999-2000 chicken import (1999-2000), *celeng sop* (2000-2002), ajinomoto case (2001), heart import case (2001-2002), *ayam duren* case (2003), Formalin and Boraks case (2006-2007), Milk have melamine case (2008), etc.

This section outlines the methodology employed in the study. The study was carried out by using the survey approach. This section provides a description of the design of the research instrument, the interview procedure, and all data collection from Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of *Ulama* (LP POM MUI) procedure.

This final raport has advanced two central claims. First, Part I argued that under certain conditions, reviewing courts may implement constitutional guarantees more effectively by crafting doctrines that raise the costs to government decisionmakers of enacting constitutionally problematic policies. When the conditions described in Part I are satisfied, this enactment cost strategy has distinct advantages over both case-by-case balancing approaches and absolute, categorical rules that designate certain types of government action as prohibited or permitted. Second, Part II attempted to show that, while few if any judicial doctrines are explicitly and consciously designed with the primary purpose of raising legislative enactment costs, many doctrines in fact have that effect. Thus, the enactment cost approach to judicial regulation of constitutionally problematic government activity may be more widespread than it would at first appear, and

certain doctrinal approaches may be justified on enactment cost grounds even if these doctrines were not developed explicitly with that purpose in mind. At the very least, federal courts already have the doctrinal resources to implement such a strategy, if they choose to do so.<sup>19</sup>

The fact that an enactment cost strategy may be effective under some circumstances does not mean, however, that existing doctrines are well suited to this function. Indeed, given that few if any existing doctrines were designed with the express purpose of manipulating legislative enactment costs, it would be quite surprising if it turned out that all these doctrines served this function well. Part of the point of this Article is to suggest how consideration of the screening functions served by judicial enactment cost manipulation may lead to productive suggestions for doctrinal.

The results of research analysis with a consumer behavior and socio-legal approach are: *First*, Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI). Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of *Ulama* (LP POM MUI) was different for two elements: *First*, the Central LP POM MUI which there is stay in Jakarta Town. *Second*, the Regent of LP POM MUI which there is in several province. So in this research just aim to discuss LP POM MUI in five of place, example: the Central LP POM MUI, Special of

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<sup>19</sup> Compare with Matthew C. Stephenson, *The Price of Public Action : Constitutional Doctrine and Judicial Manipulation of Legislative Enactment Costs*, Copyright (c) 2008 Yale Law Journal Company, Inc.; Matthew C. Stephenson)

Regent of Jakarta Province, West Java of Province, Central Java of Province, and East of Java of Province.<sup>20</sup>

“Broadly speaking, nearly half of Indonesian’s people roughly 45 percent, are Javanese. Sundanese make up another 14 percent. The Madurese and coastal Malay groups follow at 7.5 percent each, with 26 percent of population belonging to other groups, a percentage that roughly corresponds to the adat communities described above.”<sup>21</sup>

These days, many food and food ingredients companies in Europe, America, Australia, New Zealand, and Asia are going through “halal fever”. In Asia, China and India are the most aggressive in getting MUI Halal certificate. They expect to have halal certificate because their products will be exported in Indonesia. But they also have other products to be exported to Europe and other non Moslem countries and need to be certified by MUI as well. This condition is related to the global halal trade which linking multinational companies. The worldwide operation network of marketing, distribution, and manufacturing have caused more intensive interaction among nations. After the issues of qualities had predominated in the ‘90s with many practices of quality standards (i.e.ISO with various series and HACCP),

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<sup>20</sup> Data from interview result Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of *Ulama* (LP POM MUI) of the Central LP POM MUI which there is stay in Jakarta Town. There are two office, that : the first office in Istiqlal Mosque and the secondly in Bogor Town, West Java Province.

<sup>21</sup> Read Karl DeRouen Fr. and Paul Bellamy (ed.), International security and the United Sates : An Encyclopedia, op.Cit, p. 328.



nowadays halal becomes a warm issue in the global food industries.<sup>22</sup>

For example, an amino acid, company in Beijing which will supply a flavour house in Holland carried out a big effort to get halal certificate from MUI. Why ? Because the flavour house sells its products to many countries, including Moslem countries. This metter was explained by Che Cun, an executive from Beijing Fortune Star, the amino acid company. He said that the required qualification to follow bidding in that giat Dutch flavour house is the existence of MUI halal certificate. A similar condition happened in an enzyme company whose products widely used by many food industries.<sup>23</sup> Recently, an enzyme company in China has got halal certification for its products which going to be exported to Indonesia. Whereas other products for local market do not have MUI Halal certificate. In fact, the reality was beyond the estimation. Many of its local customers required this enzyme company to have MUI halal certificate for all of its products. Because those local customers also export their products to Indonesia, i.e. glucose, fructose and maltodextrin, and need halal certificates as well.

The increase of appreciation toward halal issues is an excitement. LP POM MUI, in its early time, experienced difficulties

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<sup>22</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 69/2007, p. 7.

<sup>23</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat,ibid.*

in socializing halal certification to producers, but nice progress is taking place now.<sup>24</sup>

The subject matter of this research as MUI so this religious organization has a specific institution of Ulama with the Fatwa Commission, where other similar organization of Halal certifier bodies all over the world, do not have such kind Fatwa Commission, in this regard, the Halal status is explicitly the religious affair with the Ulama authority. And hence, determining Halal status is also the authority of the Ulama themselves. Hopefully, LP POM MUI as the only Halal Certifier body in Indonesia can play professional role in making audit and investigation on food, drugs and cosmetics industries, supported by the management board who have a strong faith and good manner, attitude as well as moral ethics. So it can be a good example of the ummah organization, reflecting the authority of Ulama. And therefore, the audit and management in halal certification must follow the stipulation of Ulama. And furthermore, the substance of Islamic Syari'ah can be improved stronger in Indonesia, supported by the Ulama who are struggling persistently various aspect of Islamic teachings in our various sectors of life, such as economy education, social interaction, food, etc.<sup>25</sup>

“Its work in halal certification for consumptive products in Indonesia has showed a significant result. Both national as well as international acknowledgment has also been

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<sup>24</sup> *Ibid.*

<sup>25</sup> Compare with Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 64/X/2006, p. 7.

received properly. Hundreds of company in food, beverage and medicines, particularly, categorized as large scales and small ones, have been submitting and applying for halal certification.<sup>26</sup> Its auditors, then, have also been sending to concered companies all over the country, and even to overseas, to perform halal auditing process. Looking at such attractive enchantment of LP POM MUI makes a certain parts slobbering on the appearing results. Like a sweet seventeen girl with her positive achievements, LP POM MUI, currently, has also gained significant achievements. Factually, together with LP POM MUI of Provincial level, LP POM-MUI-s have become the sole institution performing Halal Certification with a strong legal as well as religious authority in Indonesia.<sup>27</sup>

Relatively, the whole community, both food industries and consumers have provided their appreciation and acknowledgment. Even, this Halal Certifying Body under MUI (The Indonesian Council of Ulama) has also surprisingly received various appreciation and acknowledgment internationally. Nowadays, there have been many overseas companies applying for halal certificate to LP POM MUI.<sup>28</sup>

Second, in a flash of Foods, Drugs and Cosmetics of Product Indonesian: 1) Be careful and attentive to food additives. As Moslem, we must concerned to consume of food and drug in

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<sup>26</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 61, 2006, p. 6.

<sup>27</sup> Compare with Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 64/X/2006, p. 7.

<sup>28</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *ibid.*, p. 7.

human live, and so cosmetic usage, because almost of its influenced by additive, for example gelatin, fork, pig meat, etc. LP POM MUI reports that nowadays, the use of gelatin in food industry is such of common, such as emulsion food, pasta, soft candy, drinks, jelly and capsule. There Islam no local gelatin producer in Indonesia, this mean the whole gelatin that we use are still imported. As metter of fact 40 % of gelatin in the world comes from pig. How about the food that we consume everyday ?. There are many sources of food ingredients, either from vegetables or animals. The purpose is to improve quality of the products such as the taste, texture, and color. In food production process additive is commonly used. Additive can be produced from chemical process of natural or synthetic substances. One important additive in food and pharmacy industry is gelatin.<sup>29</sup>

Gelatin is a natural product from collagen partial hydrolysis process. Gelatin can be used as gelling agent and non gelling agent. Animals for producing gelatin are cow (bone and skin), pig (skin), and fish (skin). In food industry gelatin is used to help creating new product variety. Producing gelatin is also an effort to salvage the waste of slaughterhouse. Unfortunately, mostly the main source of gelatin is pig. Pig gelatin is considered less expensive and has unique elasticity. Recently the cow gelatin production is increasing but its halal status must always be supervised. Based on immersion process by using acid and base procedure, there are 2 types of gelatin, A and B. Type A gelatin is generally produced from pig skin and has protein coagulation

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<sup>29</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 72, 2008, p. 11.

point (isoelectric points) 7.5-9.0. Type B gelatin is generally produced from cow bone or skin and has lower isoelectric points, 4.8-5.0. Fish gelatin is categorized as type A gelatin. In further development, the production process of gelatin from bone can be done by using acid procedure but with more simple process.<sup>30</sup>

There is no gelatin producer in Indonesia yet. Gelatin which is used for food, cosmetics, and pharmacy products in Indonesia is imported. World gelatin producers are 39 % from Europe, 20 % from North America, 17 % from Latin America, and 22 % from other countries. In food industry gelatin is mainly used for producing candy, jelly, cake, meat, milk, cheese, margarine, yoghurt, fish product preservative, flavor, food supplement and bath foam. In pharmacy industry gelatin is mostly used for producing hard and soft capsule. The comparison of gelatin usage for food and pharmacy is 60: 40.<sup>31</sup>

Data from SKW Biosystem, a gelatin multinational company, shows that gelatin usage in food industry is 154,000 metric ton. It is 68,000 ton for confertionery and 36,000 ton for jelly industry. Meat and milk industry consume 16,000 each, while low fat food and food supplement industry consume 4,000 ton each. In pharmacy industry, 22,000 ton gelatin is used for soft capsule and 20,200 ton for hard capsule. Other pharmacy and technical products consume 6,000 ton gelatin each. The comparison of production amount of pig gelatin to cow gelatin is 40: 60. Not less

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<sup>30</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat, ibid.*, hlm. 11.

<sup>31</sup> *Ibid.*, hlm. 15.

than 44 % pig gelatin and 56 % of cow (skin and bone) gelatin has been used for food industry every year.

Indonesia itself is one of the highest importer country for gelatin. According to the data from BPS (Central Bureau of Statistic), in 2003 there are more than 1,000 tons of gelatin is imported each year, with 6 million US \$ trading transaction every year. According data above shows that the consumption of pig gelatin is still big, almost a half of the world total production.<sup>32</sup>

Table 01  
Import of gelatin in Indonesia

Year	Gelatin (kg)	US \$
2000	2 712 345	9 119 997
2001	3 115 382	8 683 771
2002	1 925 732	6 102 019
2003	1 102 019	6 962 237

**Source:** LP POM MUI which cited from (BPS, 2004)

In practice, gelatin industry produces several types of gelatin. There are gelatin film, gelatin powder, and gelatin pellet. These types of gelatin are used directly as food additives by big, middle, small, and home industries. The quantity of 4 gelatin films is the same as one tablespoon of gelatin pellet. As food additive which comes from animals, the halal status of gelatin Islam the main consideration, but not all Moslems have knowledge about the source of gelatin.<sup>33</sup>

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

The other example is halal franchise products still lacks. The variety of franchise products are increasing from day to day and dominated by food products. Food franchise reaches more than 60 % of total 284 franchise companies, but only 6 % or 18 companies have halal certification from LP POM MUI. It means that the halal status of other products is still doubted. In the early 1980s, most of franchised foods were main course cuisines. However, in the period of 2000's the soaring products in food franchise business are refreshments nowadays it seems that food franchise tend to follow the business trend of café and other simple food outlets.<sup>34</sup> Franchise business owners become more aggressive. Some brands even have hundreds outlets, such as Buana Bakery, California Fried Chicken, Edam Burger, Baba Rafi Turkey Kebab, and Bakmi Langgara (Langgara Noodles). There are many types of outlets such as café, restaurant, booth (indoor and outdoor), and cart. They also try to broaden the market. In order "to pick up the ball" they do not only sell their products at the malls, but also at schools, housing complexes, and on sidewalks.

In Indonesia, there are 268 food franchisors and 80 % of them are local brands. Unfortunately, the bustle of food franchise business is not followed by awareness to get halal certification. In this largest Moslem country halal certification should be a major consideration. It is surely a pity. The good business is not accompanied by knowledge and sincerity to ensure the rights a Moslem consumer in getting halal products. Some producers use

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<sup>34</sup> Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 75/2008, p. 9.

halal label, although they do not have halal certification. The following is a shortlist of food franchise which use halal label without havin g official certification.<sup>35</sup>

No	Name of franchise	Product	No. of outlet
1	Kebab Turki Baba Rafi	Kebab, pita bread, chanai bread, burger, hotdog, etc.	300's
2	Kebab Kings	Kebab, maryam bread, sandwich, etc.	40's
3	Anya kebab	Kebab, kebab bread, kebab burger, sandwich, etc.	75
4	Ikki Bento	Japanese food	60's
5	Darin	Burger, kebab, bread, etc.	30's
6	Bubur'qu	porridge	35
7	Royal crepes	crepes	150's
	Total	7 items	Estimation is 690's outlets

Many ingredients may be observed to verify halal status . Those ingredients could be flour, corn, margarine, edible oil and fat, meat, sauce, mayonnaise, and also artificial sweeteners and coloring. Actually, those ingredients may contain animal substances which may be unlawful for Moslems, because even the animal is halal, the slaughtering method is not always halal.

On the other hand, all substances derived from plants basically are permissible, except liquor, but if they had contact with other materials such as raising agent, sweetener, flavor, edible oil and fat, or margarine they may become syubhat. When consumers are having a meal they can not tell all ingredients are being consumed. Unofficial halal label is not a guarantee that

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<sup>35</sup> Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal....., ibid.*



products are really halal. so, halal status can only be confirmed by a halal audit.<sup>36</sup>

The materials below are food ingredients which may be used as evidence for simple halal status analysis: 1) Meat, either beef, lamb, buffalo and chicken. In the market there are glonggongan (meat soaked in water to increase weight) and unlawfully slaughtered animals. To avoid consuming non halal and thayyiban meat, food franchise which uses these ingredients must have halal certification. The common products of meat are burger, kebab, hotdog, and fried chicken. 2) Liquor such as wine, mirin, beer, angciu, ang other alcoholic drinks. Liquor is usually used in Chinese food, Japanese food, desserts, and western cuisine. All products which use liquor are haram. 3) Animal fat, such as tallow and lard. Make sure that the food franchise which uses animal fat has halal certification.

Ingredients no. 4 to no. 8 below may contain animal substance, such as gelatin, tallow, etc, that may be haram. 4) Cooking oil, margarine, butter, mayonnaise, shortening, and other edible oil and fat products. 5) Cheese, MSG, and other fermentation products. 6) Tomato sauce, chill sauce, mayonnaise, and other emulsion products. 7) Coloring and artificial sweeteners, such as aspartames, etc. 8) Raising agent, emulsifier, flavor, and other additive which are difficult to detect only by naked eyes.

## **2. Be careful and attentive with your drugs**

The fact case was as the incident about questioning the halal drugs or halal status of Medicine. The Dialogue between patient

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<sup>36</sup> *Ibid.*, p. 11.

and the doctor. A case reporting from LP POM MUI that in Surabaya, a patient complains to his heart specialist doctor, "doctor, how do you treat me?" Said the patient, we call him A. Rahman, angrily to the doctor who has been injecting his body for several times. "What's going on?" the doctor confusedly with the reaction of the patient replying him with a question. "The medicine you injecting me regularly is made of pork," said the patient. "how do you know about it?" said the doctor. "look at the content and ingredients. It describes clearly that some of the ingredients are made of pork? The patient shows it to the doctor.<sup>37</sup>

This heart patient has been treating with heparin injection medicine, a kind of medicine for anti clotting blood to prevent stroke. The Moslem doctor who is also the child of prominent Ulama in East Java hears it surprisingly. So far, he does not realize that the medicine he had been injecting to be patient contained with pork. "If I know that the medicine is made of pork, of course, I refuse it beginning and try to find other medicine as the alternative. It's clear the pork is Najis Mughollazho or a heavy filth according to Islamic teaching. And even, it is injected to my body purposely. So it made me feel very uncomfortable," said the patient expressing his disappointment and furiousness.<sup>38</sup>

This incident has been experienced by a doctor, and then he tells this story to LP POM MUI. Of course, it is very possible that

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<sup>37</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 67/2007, p. 6.

<sup>38</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *ibid*.

the similar case can be happened to other patients (s). A patient with diabetes, for instance, who must be injected regularly with insulin, or other patient who must be treated with a specific organ transplantation. Once again, it is very possible that those medicines are made, of pork. Unfortunately, such information has never been telling properly to Moslem patient. And in fact, the doctors themselves do not know about this information.<sup>39</sup>

Actually, in a certain condition, using such medicine containing with pork is still debatable and controversial. But it's much better if the patient is informed about the condition, as his own right to get a proper information. And the decision, then, is depend on his own choice either to use or to refuse such medicine.

In pact, many medicine in our domestic market maybe contained with prohibited or forbidden substance and filth. Insulin, for example, is made of pork substance. Another example is lovenox, an injection medicine for anti clotting blood. It is also made of pork. There is also another example, namely, Celeblyosin which is made of pork brain. There are just a few case to mention, that medicines contained with pork substance and hence is forbidden is Islam. In addition, there are some vaccines using kidney of monkey as the medium to grow, and also has been contaminated with tripsin enzyme from por, such as polio vaccine, hepatitis, etc. It is like a top of an iceberg phenomenon, there are very possible, that much more medicines containing with pork substance or have been processing and contaminating with such

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<sup>39</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *ibid.*, p. 9.

prohibited materials. And unfortunately, many doctors, medical workers, and pharmacist have not realized about this crucial thing.<sup>40</sup>

So, this is our home work, particularly for such medical workers, pharmacist, and of course, medical doctor. Namely, Moslem people must find the alternative and solution in processing and producing the halal medicines. At least, for the short term requirement, the Moslem doctors can be trained specifically on halal-haram materials for medicines, so they can use the information in prescribing medicines for their patients.<sup>41</sup>

Be careful and attentive with cosmetics. A nonplus fact about circulated cosmetics product appears. Mostly the circulated products in the market are pointed to be lawfully ill defined. According to Perkosmi (Indonesian Cosmetics Company Association) data, the sum of cosmetics and toiletries companies in Indonesia about 744. In comparison with the data from LP POM MUI ascertainable that the amount of cosmetics companies which got Halal Certificate are newly 23 companies. It means the sum of cosmetics companies which got halal certificate are newly reaches 3 % from the entire companies. Equally almost 97 % cosmetics in the market are lawfully doubted. <sup>42</sup> This condition very feeling concerned about the Moslem's life.

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<sup>40</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *ibid.*, p. 10.

<sup>41</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *ibid.*

<sup>42</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 73 August-September 2008, p. 14

From all of the cosmetics companies, 500 companies are in the middle and small scale. This amount has not yet been added with overseas companies that have been exporting their legal, illegal, and false products to Indonesia. Of which if recounted it might be more than 800's companies playing at this area. This means the amount of cosmetics products which lawfully ill defined might be above 97 %. Citing the data of International Cosmetic Club, the imported in Indonesia have reached Rp. 4 billion to Rp. 10 billion transaction per month. Even, in the year 2006 a yearlong import reached Rp 1 trillion. While for the local market, Indonesian Cosmetics Company Association (*Perkosmi*) launched that the sales turnover can reach Rp 40 billion to one big company. This means the cosmetics market is not trifled. Conceiving one cosmetic product can be sold by price 5 thousands till hundred thousands of even millions of rupiahs, with the amount of product can attain to a thousand types.<sup>43</sup>

Conversing about halalness aspect of cosmetics products, hence as a Moslem will be bug eyed with the fact hereunder. A survey done by Jurnal Halal noted that mostly respondent confessed to use cosmetics products of famous brands, such as Pond's, Revlon, Olay, SKII, Maybeline, Nivea, Lancome, Dove, Mustika Ratu Biokos, Oriflame, Ultima, Ovale, Viva, L'Oreal, Kose, Biore, La Tulipe, Sari Ayu, Body Shop, Shiseido, Jhonson, The Fuk, Eren, Siela, Tul Jye, Wardah, VICO, Larissa till the products released by Erha Clinic, Natasha, M3 Skin Care, Eva Mulya, JMB, Jakarta Skin Care and other products. The result is quite surprising, the percentage of the use of cosmetics products which

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<sup>43</sup> *Ibid.*, p. 16.

got halal certificate gets number less than 5 % from totalizing 60 mentioned brands. The rest namely 95 % or about 57 brands represent cosmetics product which lawfully ill defined.<sup>44</sup>

Nowadays cosmetics products are not only chummy to contact with adult. Children and baby products have even being circulated a lot in the market. This condition shows that cosmetic consumer segment progressively extend day after day.

LP POM MUI reporting that nowadays, in this falseness era, cosmetics play a dominant role and function. They can change personal image in accordance with the purpose they used. They can also cover personal bad appearance and physical weakness to be more beautiful and attractive. Or, at least, cosmetics can be used for freshness, skin as well as body care, and also protect our body from bad impact of oxidation, aging, sunlight and dust.<sup>45</sup> For these functions, consumers, particularly females, are interested much in cosmetics. In this regard, good appearance, pretty, and health are desired by most people. As for skin protection and care, without modifying the nature and without negative purposes which is forbidden according to Islamic laws, the use of cosmetics are allowed properly. But, such good intention and desire, however, will be meaningless if the cosmetics containing or made of unlawful and defiling filths materials in according to Islamic teachings. One of the materials for cosmetics which is growing more popular recently and mostly used by most female is placenta. Many kind of cosmetics use this material, such as

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<sup>44</sup> *Ibid.*

<sup>45</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 56/X/2005. p. 6.

softener cream, moisturizer, anti-aging, antioxidant, and others. And most cosmetics containing with this unlawful material and sold in our domestic markets are imported from abroad, particularly from China, Taiwan, and Japan.<sup>46</sup>

The placenta itself is a vascular organ within the uterus, connected to the fetus by the umbilical cord. It serves as the structure through which the fetus receives nourishment from and eliminates waste matter into the circulatory system of the mother. When a mother delivers a baby, the placenta is delivered as well. In the placenta itself still remains nutritious substances such as vitamins and hormones. As a result of a certain research, these substances can be used for skincare such as anti wrinkling, antiaging, and skin freshness. The problem, then, is the allowed to use such material of placenta for cosmetics in Islam ? Based on several studies, the placenta itself can be obtained from various sources, namely human placenta and animal one. The placenta from animal sources itself can also be obtained from lawful animals in accordance with Islamis teachings, such as goat, cow, and unlawful one, such as pig. If the placenta is obtained from human source, then it has been clear, that Fatwa Commission of MUI has issued a specific fatwa on it: it is forbidden to use. The placenta from unlawful animals, is also forbidden to use; while the placenta from lawful animals, such as goat and cow, it is being discussed by Fatwa Commission of MUI.<sup>47</sup>

*Thirt*, the general behavior of Indonesian consumers

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<sup>46</sup> *Ibid.*, p. 7.

<sup>47</sup> *Ibid.*

Reporting from LP POM MUI that the survey has been conducted through various stores, particularly in Jakarta and Bogor, and also in the other cities. To read and understand the Kanji characters written on the package of the products, we have been forced to invite Dr. Suryani, an expert who is also the auditor of LP POM MUI and had ever studied and lived in Japan for long time. She can read and write Japanese Kanji characters well. Having her aids, we can get and understand important information concealed in the Kanji characters and written on the packages.<sup>48</sup> Finally crew LP POM MUI understand that there are fact as well as information disortion and even manipulation, conducted by the importers as well as the sellers who are importing the products to our domestic markets. The manipulation concerning a meat and drinks, for instances. Such vital information is just written in general phrases, whereas actually, the meat is pork, and the drinks are beverages or alcoholic drinks which are prohibited for Moslem to consume.<sup>49</sup>

Any consumers are propounded with too many information about foods, liquids, vitamins, food supplements, food enrihments, food preservatives, catalysts, enzymes, microbial fermentation, weight control using different methods of dieting, and so on and so forth.<sup>50</sup> About 85 % or more the Muslim consumer in Indonesian worldwide is becoming more aware and conscious of the need for halal foods and this has put tremendous

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<sup>48</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, No. 60/X/2006, p. 7

<sup>49</sup> *Ibid.*

<sup>50</sup> Ahmad H. Sakr, *Understanding Halal Foods : Fallacies and Facts*, ...*ibid.*, p. 92



pressure on manufacturers and producers to comply with these requirements.

Technology of influence to Food Industries. Through science and technology, foods have been processed by many techniques. After that they are shipped to different parts of the world. New food products are also developed through the use of new techniques, approaches, and methods.

Food technology has been advanced progressively in Europe America, Japan, and China. Unfortunately, it seems that they can use almost everything as the materials for food and drinks. They just consider money, profit, market share and health aspect in accordance with their own consideration. And there is no *Halal* (lawful) and *Haram* (unlawful) in such consideration. Therefore, as Moslem consumers, we have to be careful with the *halal* products they produce and sell.<sup>51</sup>

The Law Enforcement of *Halal* Foods, Drugs and Cosmetics Certification. Enforcement mechanisms, bodies or procedures established to monitor and ensure that agreements or standards are respected in practice.<sup>52</sup>

There are, at least, three big challenges, according to Prof. Dr. Din Syamsuddin at his speech on the 17<sup>th</sup> Anniversary of LP POM MUI. Firstly, liberalism which is growing irresistibly. In this case, liberalism relatively refuses any religious norms, including the halal status of food. Secondly, global market and trade which is also neglecting such established religious norms. And the final third point, the rapid growth of knowledge and technology, in food, medicine and cosmetics, particularly. Such growths, of

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<sup>51</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, No. 59/X/2005, p. 7

<sup>52</sup> See P.C. Sinha, *International Encyclopedia of Human Rights And Law*, Volume 1, New Delhi : Anmol Publications Pvt, Ltd., 2006, p. 4.

course, become a strong challenge for LP POM MUI to exhibit its capability in following the dynamic growth. And at this point, facing these challenges, again, Prof. Dr. Din Syamsuddin emphasizes, there is no word of set back for LP POM MUI, because we have been at the point of no return, he says stressingly.<sup>53</sup>

Legal Policy of Halal from Governmental. Such suspected conditions are very possible, because we are very dependent on imported food. Almost every things we eat and drink involving raw materials, additive and supplement imported from abroad. In this context, such materials can agents, flavors, emulsifiers, improver, etc. and such imported materials, of course, can be suspected to be contained with unhalal things, such a pork, alcoholic beverages, and blood.<sup>54</sup>

Halal Zona: a Solution. Effort to solve above problem is: **First**, make rule amendment with serious. **Second**, Producer have system guaranteed lawful and more carefully. **Third**, Use standard operating procedure (SOP) and use halal analysis critical Control point. **Four**, Consumer more critic and always study about law religion and law state. **Five**, mutual relation between ulama, scientist, all scientist according knowledge of discipline.

It is solution because effective and to be experience lawful certification in Indonesia. LP POM MUI is the one in Indonesia so

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<sup>53</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, Number 61/X/2006, p. 7

<sup>54</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat*, No. 59/X/2005, p. 7

often LP POM MUI as trouble maker which monopoly about gratification lawful in Indonesia. In a fact it is not everything true because actually lawful certification given by volunteer, not obey. Monitoring and law enforcement is important given guaranteed lawful product to society. Without monitoring and law enforcement never happen simbol lawful to genuine product, and never get lawful certification by institution which have never audit and fatwa lawful by institution which have competition.

Therefore monitoring and punishment is important in order to so that consumer feel protected and given trust certification lawful and simbol lawful because the both have given guaranteed to consumer. The following is series of recommendation to consumers to the food industries and batteries and to the Moslem countries. These recommenddation are meant to bridge the gap between the different groups (producer and consumers), so that they will live happily. These recommendations are also good to the Moslem.

Effected of the Institution of Consumer Dispute Settlement (BPSK).Existence of the Institution of Consumer Dispute Settlement (BPSK), expected can give expectation to consumer to obtain, gets Islam rights which impinged by perpetrator of effort, on the other side expected by other perpetrator of effort can improve goods product and also its service, so that no complain from consumer to product quality and service. Equally, existence of BPSK especially to perpetrator of effort, don be assumed as disaster, however have to be made as lesson, so that consumer not possible sue perpetrator of effort to BPSK if quality of service and goods Islam goodness.<sup>55</sup>

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<sup>55</sup> See Fiman Turmantara Endipraja, *Critical to Existence of Consumer Dispute Settlement (BPSK)* in Faculty of Law of Unpas, *LITIGASI Journal of Law Sciences*, Volume 7, Number 1 Pebruary 2008, p. 125

Participation from Non-Governmental Organizations (NGOs) and Private Voluntary Organizations (PVOs). Non-governmental organisation (NGO) is a private association of individuals or groups that engages in political activity. International NGOs (INGOs) carry on their activities across state boundaries. The most prominent human rights INGOs include Amnesty International, Human Rights Watch, the International Commission of Jurists, and the Minority Rights Group.<sup>56</sup>

Non-governmental organization, an organization that is not comprised of states and not part of any state agency. Commonly known as NGOs, these include professional organizations, independent human rights organizations, special interest groups, and other volunteer and charity organisations.<sup>57</sup>

In the period of new order, besides the growing role of the state in national development and the growth of the private sector, the third sector also experienced growth. This sector is dominated by nongovernmental organization (NGOs) and private voluntary organizations (PVOs).<sup>58</sup> Development programs in the fields of consumer protection, health service, nutrition, rural credit, informal education, rural community development, environmental protection, etc. They have three main functions:

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<sup>56</sup> See P.C. Sinha, *International Encyclopedia of Human Rights And Law*, Volume 1, New Delhi : Anmol Publications Pvt, Ltd., 2006, p. 7).

<sup>57</sup> See P.C. Sinha, *International Encyclopedia of Human Rights And Law*, *ibid.*

<sup>58</sup> Compare M. Habib Chirzin, *The Development of Civil Society in Indonesia and the Role of Voluntary Organizations* as in Abdul Hamid Abu Sulayman (ed.), *The American Journal of Islamic Social Sciences*, Washington, D.C. : The Association of Muslim Social Scientists & The International Institute of Islamic Thought, Volume 17, Spring 2000, Number 1, p. 22.

*The first* is as a partner of government in development, where NGOs and and PVOs function as the “people’s technocrats.” *The second* is as a countervailing power to the excesses of development. *The third* is as an intermediary institution between society, the government, and the private sector.<sup>59</sup>

One of some NGOs in Indonesian country is Indonesian of Consumer Institute of Council (*YLKI*, Consumer Protection) which The establishment of *YLKI* on 11 May 1973 was incited by the concern of a group of people about the using of domestic products and how to protect consumers. The purpose of *YLKI* is provide education and protection for consumers in order to create prosperous families.

Fields and forms of activity: Consumer protection is the main field of activity of *YLKI*.<sup>60</sup> Other fields like healthcare, clean water and sanitation, gender and law support them. Activities in these fields take the forms of study, research, survey, education and publication, advocacy, seminar, empowerment of consumers, and community development and facilitation. And its programs are:

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<sup>59</sup> *Ibid.*, p. 25.

<sup>60</sup> *Publication* : The foundation publishes a bimonthly, *Warta Konsumen*, and a newsletter, *Indonesian Consumers Current*. *Funding sources*: Aside from the funds obtained from joint projects, a great portion of *YLKI*'s revenues also come from various agencies like the State Secretariat, Jakarta City government, USAID, and The Ford Foundation. *Membership and working area*: *YLKI* is a member of a number of networks like *WALHI*, *YAPPIKA*, *HIV-AIDS*, *LM3*, *Consumers International*, *Pesticide Action Network*, *Health Action*, and *Sustainable Transportation of Asia Pacific*. It operates at the national level. *Staff* : Presently, *YLKI* is operated by 30 full-time and 1 part-time staff members, including 17 professional and 14 administration workers.

Advocacy, publication of a magazine and the empowerment of women are the programs so far implemented by *YLKI*.

Internalization the force LP POM MUI: an Certificat Application. This pleasant progress have been noticed by LP POM MUI. the organization have been strengthening its *halal* assurance system as a base to secure *halal* status of products. With the force of *halal* assurance system which well applied by *halal* certified companies, it is expected that Moslem consumer right will be well protected. In that metter, the assessment toward *halal* assurance system has to be done as well as the assessment toward the ingredients. It is to assure the continuity of the *halal* production process. Some companies have been successful and had good acknowledgement and recognition.<sup>61</sup>

It will be appreciated from the above discussion that certification issues are not simply about attaching accurate labels to food products, but involve the provision of a reliable guarantee concerning the quality, provenance and safety of food. Additionally, and to be effective, a *halal* certificate needs to reflect consensus within the Muslim community and this is elusive in the Indonesia largely due to the ongoing debate about whether stunning prior to the kill vitiates that slaughter has been carried out in accordance with Shari'a law. There is universal agreement, however, that for meat to be *halal*, the animal should be alive at the time of slaughter and the animal should not be subjected to unnecessary pain or stress at any time. Translated into food law terms the primary issue is one of trades description and

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<sup>61</sup> See Institute Analysis Foods, Drugs and Cosmetics of Indonesian Council of Ulama (LP POM MUI), *Halal of Journal : Peaceful for Ummat, op. Cit.*, p. 11.

consumer protection. Stunning methods do not guarantee that each and every animal slaughtered after stunning was alive at the time of slaughter. The onus is on the certifier to prove that the animal concerned was alive at the time of the cut. Does an inability to show conclusively that the animal was not dead constitute contravention of the Trades Description Act? The position is unclear. It is through the use of trade marks and labelling, and the policing of such marks, that consumer interests are protected. In countries with large Muslim populations, such as Indonesia, great emphasis is placed on halal certification by LP POM MUI, labelling halal by government agencies and policing the certificate has become a top priority for enforcement agencies.<sup>62</sup>

Effective certification would greatly assist in the Indonesia, but the problems of illegal labelling and sales go much deeper, as this comment has demonstrated. From the perspective of Muslim consumers concerned with the authenticity of what is described as halal, certification of a product as halal should go far beyond whether the animal was stunned or not. Muslims—and all consumers—deserve assurances that the products they consume are not contaminated by extraneous proteins.<sup>63</sup> Certification is intimately connected with quality standards. Halal requirements include wholesomeness, which goes beyond a merely technical compliance with labelling and food safety standards. The

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<sup>62</sup> See Mashudi, *Certification of Halal Product in Indonesia*, a result of research in 2006. Compare Tn Hj et al., 'Coordination and Standardisation of Halal Food and Products in Malaysia', paper presented at the International Seminar on Halal Food and Products, KUIM, Malaysia, 28–30 September 2004. *The Journal of Criminal Law*, p. 212

<sup>63</sup> Al-Hafiz B.A. Masri, *Animal Welfare in Islam* (The Islamic Foundation: Markfield, rev. edn, 2007), n. 1 at 137.

controversy over stunning is compromising the probity of halal products because it has stood in the way of developing a robust and consensual system of certification. <sup>64</sup> Unless the Muslim community clarifies this and brings to task those who mislead and misdescribe halal products—including those Muslim food producers, retailers and restaurateurs whose illegal activities compromise the practice of religious beliefs—the community will remain unprotected. Specific legislation to outlaw the fraudulent sale of meat as halal, as has been introduced in many states in Indonesia, would increase confidence among Muslim consumers, but more than legislative change is required.

### C. Halal Product in Muslim Australian Community

Ḥalāl (Arabic: حلال *ḥalāl*, 'permissible') is any object or an action which is permissible to use or engage in, according to Islamic law. The term covers and designates not only food and drink as permissible according to Islamic law, but also all matters of daily life. The opposite of this word is haraam.<sup>65</sup> Halal foods are foods that Muslims are allowed to eat or drink under Islamic Shari'ah. The criteria specify both what foods are allowed, and how the food must be prepared. The foods addressed are mostly types of meat and animal tissue.

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<sup>64</sup> The provision of specific legislation has not resulted in a halt to claims that false halal certification has continued, according to the US Muslim organisation Sound Vision. See <http://www.soundvision.com/info/halalhealthy/halal.cuntries.asp>, accessed 19 March 2008. *Illegal Labelling and Sales of Halal Meat and Food Products* p. 213

<sup>65</sup> Halal From Wikipedia, the free encyclopedia



The term 'halal' is usually associated with meat that has been slaughtered in accordance with Islamic principles. However, many chocolates, biscuits and sweets contain alcohol or gelatine, enzymes, emulsifiers and preservatives that are derived from animals, which have not been prepared to Islamic Law. If halal confectionery contains any animal-derived ingredients, they should be traceable to halal sources. Given that it is such a specialist market, you might wonder why firms would take things a step further by offering premium ranges. Ian Busby, finance director of halal confectioner Ummah Foods explains: "The counters we had before only worked for significant volumes. In contrast, the mark-up on premium is appealing and it is in demand." Despite the growing number of premium confectionery brands, Busby is confident that his products will succeed. "Although you've got Green & Black's and Lindt, we think that our proposition is going to stand out," he says. But the firm is about to face some hot competition as Marhaba Food also plans to launch a new range of halal confectionery, including premium chocolate, yoghurt, bars and chewing gum. Independent auditor the Halal Audit Company checks every stage of production to ensure the products are in accordance with the Indonesian halal standards - the only government to have set out guidelines for the production of halal foods. The launch is being timed to coincide with this autumn's Ramadan and discussions are underway with potential retailers. But Ummah remains unphased by its rival. We're not convinced that Marhaba will offer any serious competition. We've got better relations with the supermarkets.<sup>66</sup>

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<sup>66</sup> Ummah supplies Asda, Morrison and Tesco and they're tough nuts to crack," says Busby. Compare with [www.foodmanufacture.co.uk](http://www.foodmanufacture.co.uk). 16 July 2005 (FOOD manufacture)

The most common example of non-halal (or *haram*) food is pork. While pork is the only meat that cannot be eaten by Muslims at all (due to perceived hygienic concerns), foods other than pork can also be *haram*. The criteria for non-pork items include its source, the cause of the animal's death, and how it was processed.

The food must come from a supplier that uses halal practices. Specifically, the slaughter must be performed by a Muslim, who must precede the slaughter by invoking the name of Allah, most commonly by saying "*Bismillah*" ("In the name of Allah") and then three times "*Allahu akbar*" (God is the Greatest). Then, the animal must be slaughtered with a sharp knife by cutting the throat, windpipe and the blood vessels in the neck (while the animal is conscious), causing the animal's death without cutting the spinal cord. Lastly, the blood from the veins must be drained.

Muslims must also ensure that all foods (particularly processed foods), as well as non-food items like cosmetics and pharmaceuticals, are halal. Frequently, these products contain animal by-products or other ingredients that are not permissible for Muslims to eat or use on their bodies.

Brisbane, Australia has a growing Muslim community and an equally expansive variety of *Halal food* options. From pizza to kebabs, from chicken to fish and chips, from butter chicken to nasi goreng- whatever your taste, you're sure to find something delicious to satisfy your hunger. There are loads of sit-in restaurants and there's also plenty of Halal take-away options in Brisbane if you're after something quick.<sup>67</sup>

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<sup>67</sup> <http://www.halalfoodbrisbane.com/#ixzz2j5PNuXCO>

Generally, every object and action in Islam is considered permissible unless there is a prohibition of it in the Islamic scriptures. Clarification is given below in detail as to what is considered to be a permissible object or action in Islam, along with the exceptions.

A variety of substances are considered as harmful (haraam) for humans to consume and, therefore, forbidden as per various Qur'anic verses: Pork, Blood, Animals slaughtered in the name of anyone but "Allah". All that has been dedicated or offered in sacrifice to an idolatrous altar or saint or a person considered to be "divine", Carrion (carcasses of dead animals), An animal that has been strangled, beaten (to death), killed by a fall, gored (to death), savaged by a beast of prey (unless finished off by a human). Food over which Allah's name is not pronounced. Alcohol and These verses also have information regarding halal foods: 2:173, 5:5, and 6:118-119, 121.

### **1. Meat from Christians and Jews**

In Surah 5:5 of the Qur'an, it is written: "The food of the People of the Book [Jews and Christians] is lawful for you as your food is lawful for them." Interpretation of this verse cannot and should not be oversimplified to include any food of the People of the Book as lawful for the Muslims. Just as pork offered by a Christian cannot be lawful for the Muslims, similarly carrion offered by a Muslim cannot be lawful for the People of the Book. Thus the lawful food prescribed for the People of the Book is lawful for the Muslims, subject to the express restrictions set up in v. 3 above and reiterated in 6:145 and 16:115, particularly about mentioning Allah's name at the time of slaughtering. The

word *ṭa'ām* is the verbal noun of the root *ṭa'ama* (lit. to eat, to feed) meaning food, including crops, fruits, meat, vegetables, etc. Since the permitted and prohibited food are connected to the manner an animal meat is prepared, evidently the word *ṭa'ām* refers to animals slaughtered by the People of the Book, provided that during the time of slaughtering Allah's name is invoked (6:121). The requirement to invoke Allah's name is a must. In other words the word *ṭa'ām* refers to *dhabīḥah* meat; i.e., the meat prepared after slaughtering an animal by cutting the throat (jugular vein, carotid arteries, and trachea) and during slaughtering Allāh's name is invoked (Ibn 'Abbās, Mujāhid, 'Ikrimah - all quoted by Ṭabarī, Ibn Kathīr).

Some scholars from the Muslim world agree that this verse speaks about the Christians of Muhammad's time and say that Christian methods of slaughtering and consumption have drastically changed over time as the diet played lesser importance in the daily practice of Christians. They also point to Deuteronomy, chapter 14, verse 8, in the Bible, which says "Thou shall not eat of the swine nor shall you touch its dead carcasses." Pork and pork related products, which are forbidden in Islam, are consumed by Christians and used widely in food and food products. Kosher meats, which are consumed by Jews, are permissible if no halal meat is available. This is due to the similarity between both methods of slaughtering and the similar principles of kosher meat which are still observed by the observant Jews today.

## **2. The Regulatory Problem**

The position of halal foods is complicated in the Australia. Both European and domestic systems of law are involved in what

has become in recent years a highly regulated field. By contrast, religious dietary laws are ancient. Dietary laws and requirements in Islam require that permissible animals are treated and slaughtered in a particular way before Muslims are allowed to consume the resulting meat or meat products. In recognition of this requirement, as in many other countries, AU legislation makes provision for religious slaughter of animals for food by exempting Muslim and Jewish communities from a provision in the Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended) that requires all animals to be stunned before they are slaughtered.

There is, however, no food legislation that is specific to halal. One reason for this is because there is no consensus within the Muslim community about what precisely constitute halal requirements with respect to the slaughter of animals for human consumption. In particular, whether the use of stunning prior to slaughter is allowed remains a highly controversial issue. Much comment on this is based on scientific and religious misinformation. This has resulted in confusion within the community and consumer confidence is low. There is an urgent need for consensus and clarity in respect of the definition of halal. Without this, consumer protection will remain complicated and difficult.<sup>68</sup>

Consumer law does afford some protection for those wishing to purchase halal food and Muslim organisations have made considerable efforts to establish a quality standard to provide

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<sup>68</sup> John Pointing, Yunes Teinaz and Shuja Shafi, Comment Illegal Labelling and Sales of Halal Meat and Food Products.

food purchasers with assurances about the probity of halal labels. Although there are no specific halal regulations, foods that are labelled 'halal' come under the same body of legislation as non-halal. These are criminal laws which are comprised of food safety statutes and of food hygiene and food labelling regulations. These regulations are very extensive—as is to be expected in an area dominated by European law—as are those dealing with the slaughter and preparation for sale of red meat and poultry. As a matter of basic consumer law, any food labelled as 'halal' that was not would fall foul of the Food Labelling Regulations 1996, as amended.

There may be an issue regarding what the halal label actually means in view of the lack of consensus over stunning, but some local authorities have brought prosecutions against those involved in the trade in fake halal food products. Various consumer protection and food safety measures could be used depending on the circumstances of such crimes. For example, the London Borough of Hackney has been very active in pursuing food criminals using a host of legislative provisions. These crimes include: giving false information in breach of s. 13 of the Trade Descriptions Act 1968, falsely describing mutton as halal contrary to s. 15 of the Food Safety Act 1990, possession for the purpose of selling mutton without a health mark in breach of the Food and Hygiene (England) Regulations 2006.<sup>6</sup> Arguably, the penalties for those found guilty of such food crimes are fairly low, as applies generally with consumer and strict liability offences.

Generally courts impose modest fines, but, where there is evidence that food crime forms part of organised business activity, courts have used their powers to hand down custodial sentences. The principal food law offences are triable either way,

opening the way to the greater sentencing powers of the Crown Court.

Halal foods come under the same laws as for non-halal. A similar position arises even among predominantly Muslim countries, such as Indonesia, which has no codified law to regulate halal food production. In the Australian law governs the way food is produced and sold for consumption, feed for livestock is produced, and animals looked after prior to slaughter for consumption as food. European law also governs the process whereby food is imported into the EU from outside and then allowed to cross internal borders without further import controls.

European-wide initiatives have also been made to try and establish a common European standard for halal.<sup>10</sup> The momentum for strengthening provisions impacting on halal has to come from European institutions. This is particularly the case given the globalisation of halal food. For example, Dialrel has been set up using AU funds by a number of European universities, research agencies and agencies from the food industry to develop production in which Malaysia is a world player and AU Member States could also lead if a robust system of certification could be put in place. Halal is a growing industry, described as multibillion dollar business worldwide.<sup>12</sup> Many countries, mostly in South East Asia, led by Indonesia and in the Pacific region (Australia, New Zealand) are competing for this exponentially rising international business.<sup>69</sup>

#### **D. Case Description and Opportunities**

Islam, like other religions, prohibits certain actions by its followers. Muslims are prohibited from engaging in haram

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<sup>69</sup> See <http://www.dialrel.eu>, accessed 19 March 2008.

(*haraam*), the Arabic word for forbidden. Examples of haram activities would be using profane language, displaying certain images, drinking alcohol, and consuming proscribed food products such as pork. In addition, Muslims are expected to refrain from eating already dead animals, birds of prey, land animals without ears, blood, and animals improperly slaughtered. To avoid being considered haram, animal slaughter must be done in a manner that results in a quick and humane death. An animal's jugular veins and carotid arteries must be cut using a sharp knife so as to produce maximum blood flow, all done in the name of Allah (God). The process of food preparation called *dhabiha* dictates that slaughtering be conducted in a manner that reduces the animal's suffering. Sharia law also applies to food products, which may not contain additives that are not "clean" or untainted during processing, packaging, storage, transportation, or transaction. Full Sharia compliance means that food production and logistics must be carried out to avoid contact with foods that are haram, that financing for the business selling the food is transacted with permissible funds, and that safety and hygiene meet religious standards. The opposite of haram is *halal*, or permitted.

The process of declaring a food product *halal* is not always clear and unambiguous. Issue of cross-contamination of *halal* and *haram* products, as well as products that may contain *haram* ingredients or additives are of great concern. For example, gelatins may contain pork, and extracts such as vanilla may contain alcohol, both of which are considered *haram*. There is also an issue concerning the stunning or anaesthetizing of the animal before its death as to whether it is *halal* or *haram*.



Additionally, differing opinions exist concerning the use of automation in the slaughtering process, and calling out the name of Allah using a tape recording versus a slaughtering by hand with a person speaking the required words. Countries and certifying bodies differ in their opinions related to these practices. Having differing standards can result in problems for firms marketing internationally.<sup>70</sup> For example, Islamic scholars in Australia declared that the stunning of animals was permitted and processing companies that used this practice could be certified. In Malaysia, however, this practice is considered haram. As such, the Australian government bans the import of Australian beef into the country. Food prepared according to certifying bodies that can attest to a product's halal status may exist in a country. Each has a mark that is applied to products to authenticate halal certification. However, certification is not global. Halal marks can be seen on packaging and posted prominently in halal-observant restaurants. Since there is no single unified authority in Islam, differences are found in the interpretations of its tenets. This leads to different certification standards being applied within and across countries. In addition, there is the problem of fraudulent use of halal certificates, a situation that has been reported in Malaysia and other countries. The certificates are only as good as the certifying body and its reputation. Reputation and fees for certification vary considerably.

According to Koen dePraetere, general manager of the Belgian food processor Volys Star, "In Europe there are many certification bodies and some have their heart in the right place.

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<sup>70</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012 Page 84

But others have their wallet in the right place.” In the United States the leading certifying body is the Islamic Food and Nutrition Council of America (IFANCA). To be seen as legitimate, marketers will need to gain halal certification from the official agencies authorized to provide their mark in the countries in which they operate.

The primary subject matter of this case concerns niche marketing in the food industry. Secondary issues examined include political and religious influences on marketing activity and strategic marketing orientation. The case has a difficulty level of three, appropriate for junior level students. The case is designed to be taught in one class hour and is expected to require three hours of outside preparation by students.

With a global population estimated at approximately 1.56 billion, a relatively high birth rate, and growing affluence, the world’s Muslim population represents an increasingly attractive consumer market. Muslims are expected to avoid certain activities and substances and these prohibitions have significance for marketing activities. This case explores the Islamic practices and restrictions that apply to food products, the difficulties of meeting differing international halal standards, and the opportunities for domestic and international firms to expand into the growing Muslim market.<sup>71</sup>

While many may think that Muslims live mainly in the Middle East, in reality, they do not. According to a 2011 report by the Pew Forum on Religious and Public Life, there are

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<sup>71</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012 Page 81

approximately 1.56 billion followers of Islam – who view their religion as a culture or way of life. This represents approximately 23% of the world's population. An estimated 60% of Muslims live in Asia, 20% in North Africa and the Middle East, and the remaining 20% in various other places throughout the world.<sup>72</sup> While the Muslim population in the Middle East is sizable, large populations can also be found in Indonesia, Malaysia, India, Pakistan, Turkey, Nigeria, and other countries. In terms of followers, Islam is the second largest and fastest growing religion in the world.

Appealing to the Islamic consumer goes beyond the typical Middle Eastern countries. The European Muslim population has grown approximately 140% in a decade and outpaces that of non-Muslims. Approximately 30 million Muslims live in the Russian Federation. Muslim communities throughout North and South America are also large and growing. In the U.S. there are about 2.6 million Muslim adults and children, which represent 0.8% of the overall population, according to the Pew Forum report. By 2030 that figure is expected to rise to 6.2 million or 1.7% of the U.S. population. These population increases point to a rise in purchasing power and issues concerning Muslim preferences for products and services.

Regardless of location, Muslims follow a belief system built on five pillars: 1. Shahada—a testimony of faith which is the basic creed of Islam. 2. Salat– prayer which is performed five times daily; 3. Zakat – this means supporting the needy; 4. Sawm–

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<sup>72</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012, Page 82

fasting which occurs from dawn until sundown during the month of Ramadan; 5. Hajj – a pilgrimage to Mecca once during a lifetime for those who are able. Strictly observant Muslims also follow the Sharia, which literally means “path” or “way.” It is a framework that extends religious beliefs to private, social, and political life. Though aspects of Sharia are common in the Muslim world, in practice followers do not always strictly adhere to them.<sup>73</sup>

The differences in the manner Sharia principles are practiced have implications for companies interested in serving the Muslim market, which cannot be considered homogeneous, except from a regional perspective. That market represents significant sums, estimated by Reuters at \$560 billion for Islamic-approved food products. Many Muslim consumers actively seek out products with an Islamic brand. As such, three factors should pique the interest of marketers in serving this segment of the global marketplace.<sup>74</sup> First the number of Muslims is increasing at a rapid rate; second, there appears to be an increased level of devotion among the followers of Islam to the religion’s teaching and prescriptions; and lastly, many parts of the world with sizable Muslim populations have developed significant purchasing power.

In the Australia, KFC encountered difficulties when Muslim clerics began telling followers not to eat at the restaurants because their products were haram. KFC food processors stunned

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<sup>73</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012, Page 83

<sup>74</sup> Charles Rarick, Gideon Falk, Casimir Barczyk, and Lori Feldman, Purdue University Calumet, *Marketing to Muslims : The Growing Importance of Halal Product*,

the chickens and used mechanical processing in their slaughtering process. While the Islamic Council of the Muslim League, a major voice in Islamic affairs, condones the use of stunning and anesthesia in the process of slaughtering animals, local clerics have their own opinions and direct followers accordingly.<sup>75</sup> When there is conflict between the opinions of local clerics, marketing can become difficult. Uncertainty and conflict may cause consumers to avoid the products in question.

Given the sensitivity of political and religious feelings, marketers may find themselves caught in an unexpected and undesirable situation. In France, the fast-food chain Quick ran afoul of some politicians when it decided to remove all pork products from its menu and serve only halal meals in select markets. France has a sizable Muslim population, estimated at 5 million, and has experienced some political tensions relative to their cultural practices. The mayor in one French town decided to sue the restaurant chain for discrimination against non-Muslims.

Australia, which also has a large Muslim population, has been slow to embrace the Muslim consumer market. Some Australia retailers worry that putting Muslim-approved food in their stores will discourage purchasing by non-Muslim customers. These fears and perceptions have led to fragmentation in the retail market along ethnic and religious lines.

At least one enterprising Muslim hoped to capture the niche market he felt was not being well served. In 2005, Hakim Badaoui began Beurger King Muslim in France and served an entirely halal

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<sup>75</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012 Page 85

menu. The restaurant appealed to young Muslims who found eating at other fastfood chains difficult because of their faith. One young Muslim woman interviewed about her experiences stated, "I used to go to McDonald's once a week, but all I could eat was the Filet-Ofish sandwich. Now, I come here." Unlike some brands such as Mecca Cola, which have developed in the Muslim community to protest American foreign policy and global influence, Burger King Muslim was established to capture an underserved market. The trend towards an apolitical niche market appears to be growing.

Countries like the Philippines hope to capture the growing Muslim consumer market by introducing national standards to accredit companies that certify products as halal. By assuring standardization in certification, the Philippines hopes to attract customers in Muslim nations who may not be sure their products are really halal. A number of international companies have also begun to take the Muslim market need seriously. Nestle, Colgate, Carrefour, Unilever, and other well-known firms have invested significant resources to serving this market. Nestle, for example, has devoted 75 of its 482 global processing plants to halal products. Nestle's halal sales are estimated to be in excess of \$3 billion annually. Tom's of Maine, an American natural care products company, recently sought halal certification from IFANCA for most of its products. In addition to appealing to a growing market niche, the certification appealed to animal rights groups. While many American companies have made modifications to their foreign offerings, not as many have adjusted to accommodate halal requirements in the U.S. Jalel Aosse, director of Midamar, an American food brand and supply

chain management company states, "You have to meet the requirements of the countries you're trying to target. It's like being a guest in someone's home."

His viewpoint may be gaining increased popularity.<sup>76</sup> At the World Halal Forum one can now find businesspeople in Western business attire mingling with robed and bearded Islamic scholars as they discuss the future of this growing and potentially lucrative market.

### **E. Food Safety Supervisor Course**

This Food Safety Supervisor online course delivers an extensive understanding of this role – in many varying workplaces. Created to meet Australian food safety **legal requirements nation-wide**, and provide a most comprehensive understanding of Food Safety in the workplace.

Owners of registered food businesses must ensure those who handle food within their business handle foods safely. To ensure this happens, the owner must nominate a Food Safety Supervisor, who has the responsibility of recognising, preventing and alleviating the hazards associated with food handling in your workplace.

Unlike many of the other online food safety supervisor courses available; we have mapped our course to include all these applicable 'units of competence'. This ensures your certification is recognized nation-wide, no matter which food sector you may presently be working in – or your particular business belongs to. This also ensures you will still be covered by this Food Safety

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<sup>76</sup> Journal of the International Academy for Case Studies, Volume 18, Number 1, 2012 Page 86

Supervisor course qualification; if sometime in the future you should move to a different food industry sector.

Safe food handling is important for everyone, and although having a Food Safety Supervisor supervisor is recommended for every food businesses, certain states in Australia legally require every registered food business to nominate a qualified Food Safety Supervisor. Depending on the state in which your business resides; you may also be legally required to notify your local government with the details of your nominated Food Safety Supervisor.

To comply with these requirements, the nominated Food Safety Supervisor must also hold a Statement of Attainment issued by a Registered Training Organisation (such as Food Safety Australia). There are severe penalties for not having a suitably trained Food Safety Supervisor.

This course has been designed to help you develop the skills and knowledge required to achieve competence in food safety. Each module of the food safety supervisor course will help you to achieve one of the required elements of competence. You will be provided with a series of presentations and a quizzes, make sure you are completely comfortable with the presentation content before attempting the quiz, you may view them as many times as you feel necessary. We also provide a PDF of student notes, which you can print out for ready reference whilst completing the course.

You are required to achieve a grade of 100% for each of the six quizzes in this course and you are allowed up to three attempts for each quiz. Once you have successfully passed all of the assessment, you will be able to download your Statement of



Attainment for the course. We also ask that you spend a few moments completing the feedback questionnaire to provide us with your valuable feedback. This enables us to add continual improvements to the course, for the benefit of future students.

A food safety supervisor course with Food Safety Australia, is currently one of the easiest and most cost-effective ways to obtain food your required food safety supervisor qualification. However the last component of this online course, will require that you have access to a food workplace (either as an employee or a volunteer). This food workplace should:<sup>77</sup> *First*, have an operational kitchen, food storage, preparation, display and service area; *Scnd*, have real food ingredients and food items; *Therst*, be fully equipped for food preparation (eg. a commercial kitchen, catering production line or food preparation area of a food outlet).

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<sup>77</sup> <http://www.foodsafety.edu.au/online-courses/food-safety-supervisor-course/>

# Chapter III

## INTENTION TO CHOOSE HALAL PRODUCTS

### A. Muslim Attitude Towards Halal Produced

Muslim attitude towards Halal products Purpose–Muslims living in multi-religious societies are considered more conscious about the permissibility (Halal) of products and thus the majority of Halal research in the non-financial sector was conducted in multi-ethnic societies. Nonetheless, the global trade is changing the way we perceive the origin of products and brands and their permissibility under Islamic Sharia laws. This apparently has serious implications for international companies operating in food, cosmetics and pharmaceutical products. The purpose of this paper is to investigate the role of Muslim attitude towards Halal products, their subjective norms and religiosity in predicting intention to choose Halal products.

Design/methodology/approach – A structured question was designed to elicit consumer attitude, subjective norms, intention to choose Halal products and degree of inter and intra personal

religiosity. Data were collected from 180 adult respondents using a convenience sampling method. Only 150 responses were deemed suitable for further analysis, yielding a response rate of 83 per cent. Stepwise regression analysis was used to test the proposed model. Findings—The results indicated that theory of reasoned action (TRA) is a valid model in predicting intention to choose Halal products. The results further indicate that subjective norms, attitude towards the Halal products and intra personal religiosity positively influence attitude towards the Halal products. Interestingly, subjectiv norm appears to be the strongest of all the predictors for choosing Halal products.<sup>78</sup> Research limitations/ implications—The data collected for the current study investigate global attitude towards Halal products. It would be interesting if future researchers examine consumers' attitude towards specific Halal products for specific product categories.

Practical implications—It is argued in this research that the presence of strong attitude towards Halal products in Muslim consumers might play an important role in exclusion or inclusion of brands, based on their conformance to Halal requirements. Originality/value—The paper extends the applicability of the theory of reasoned action model by investigating the role of inter-personal and intra-personal religiosity in intention to choose Halal products.

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<sup>78</sup> Intention to choose Halal products: the role of religiosity Arshia Mukhtar and Muhammad Mohsin Butt Faculty of Management Sciences, International Islamic University, Islamabad, Pakistan.

Keywords Islam, Consumer behaviour, Brands, Islamic marketing, Halal market, Selling to Islamic markets, The Muslim consumer Paper type Research paper:

## B. Introduction

Religion is perhaps one of the most important social factors that influences the life of its believers. It works as an accountant that unifies, divides and amalgamates social groups<sup>79</sup>. Religion acts as a foundation stone on which humans build their attitudes and behaviour<sup>80</sup>.

Furthermore, in the consumption world context, religious obligations and beliefs direct peoples' attitude and feeling towards a range of products, such as food, financial, cosmetics and pharmaceutical products<sup>81</sup>.

In most of the Muslim countries the role of religion in consumption world is not only a matter of a personal religious commitment but also conformance to the state laws.<sup>82</sup> The laws

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<sup>79</sup> Compare McCullough, M.E. and Willoughby, B.L. (2009), *Religion, self-regulation, and self-control: associations, explanations*, American Psychological Association, Vol. 135, pp. 69-93

<sup>80</sup> Essoo, N. and Dibb, S. (2004), *Religious influences on shopping behaviour: an exploratory study*, Journal of Marketing Management, Vol. 20, pp. 683-712.

<sup>81</sup> Jamal, A. (2003), *Marketing in a multicultural world: the interplay of marketing, ethnicity and consumption*, European Journal of Marketing, Vol. 37 No. 11, pp. 1599-620. Essoo, N. and Dibb, S. (2004), *ibid.*, Mullen, K., Williams, R. and Hunt, K. (2000), *Irish descent, religion and food consumption in the west of Scotland*, Appetite, Vol. 34, pp. 47-54.

<sup>82</sup> The current issue and full text archive of this journal is available at [www.emeraldinsight.com/1759-0833.htm](http://www.emeraldinsight.com/1759-0833.htm) JIMA 3,2 Received 3 June 2011 Journal of Islamic Marketing Vol. 3 No. 2, 2012 pp. 108-120 q Emerald Group Publishing Limited 1759-0833 DOI 10.1108/17590831211232519

affecting Muslims consumption behaviour are governed by the Quranic philosophy of what is permissible (Halal ) and what is not permissible (Haram) for a believer.<sup>83</sup> These include adultery, gambling, liquor, pork, interest on money, blood of animals and the meat of animal sacrificed in the name of other than Allah.<sup>84</sup> Although the list is short, it has far reaching effects on Muslims' consumption habits. The issue has become a vital area of research in recent history because of its implications on some of the most lucrative businesses of consumer markets. Financial and food sectors have observed the strongest of its implications in Islamic societies. The food, cosmetics and pharmaceutical sector was subject to greater scrutiny by Muslim scholars on the suspicion that many international brands are using enzymes extracted from pork meat or alcohol as a preservative, generating great deal of cynicism towards these brands in Muslim customers. On the other hand, companies complying with Islamic Sharia requirements not only prevent customer churn but also gain the customer influx.<sup>85</sup>

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<sup>83</sup> Berry, B. (2008), *Global Halal Food Market Brief, Agriculture and Agri-Food Canada, Ottawa*, available at: <http://ats.agr.gc.ca/afr/4491-eng.pdf> (accessed 15 December 2010). Eliasi, J.R. and Dwyer, J.T. (2002), "Kosher and Halal: religious observances affecting dietary intakes", *Journal of the American Dietetic Association*, Vol. 102 No. 7, pp. 911-13. Intention to choose Halal products.

<sup>84</sup> Al-Bukhari (1976), *Sahih Al-Bukhari*, Kazi Publications, Chicago, IL., Al-Qardawi, Y. (1999), *The Lawful the Prohibited in Islam*, 20th ed., American Trust, Indianapolis, IN., De Run, E., Butt, M., Fam, K. and Jong, T. (2010), "Attitudes towards offensive advertising: Malaysian Muslims' view", *Journal of Islamic Marketing*, Vol. 1 No. 1, pp. 25-36.

<sup>85</sup> Al-Harran, D.S. and Low, P. (2008), "Marketing of Halal products: the way forward", *The Halal Journal*, available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id¼1577795](http://papers.ssrn.com/sol3/papers.cfm?abstract_id¼1577795), Lada, S., Tanakinjal, G.H. and Amin, H. (2009), "Predicting intention to choose

Nonetheless, it is also understood that religion has no equal effect on two individuals. Thus, one can argue that the magnitude of religious influence will also vary from person to person for Muslim consumers. Therefore, it is not only the religion that matters the most in the consumption world but also the intensity of one's religious affiliations known as religiosity. In simple words, religiosity is the degree of being religious.<sup>86</sup> Religiosity is the extent to which an individual is committed to his religion, reflected in his/her attitudes and behaviour.<sup>87</sup> However, much of the research on attitude towards Halal products ignored to investigate the relevance of religiosity in dictating such attitudes.<sup>88</sup> This research will investigate the role of inter- and intra-personal religiosity in predicting Muslim attitude towards Halal products and their intention to purchase them.

The existing research model was based on the postulates of theory of reasoned action (TRA) to investigate Muslim attitude towards Halal products and their intention to choose such products. TRA is the most relevant theoretical model in context of Halal products. First, it explicitly embeds subjective norms in attitude formation process.<sup>89</sup> Thus, it not only measures, the

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*Halal products using theory of reasoned action*", International Journal of Islamic and Middle Eastern Finance and Management, Vol. 2 No. 1, pp. 66-76., Sabri, M. (2006), Islam Online.net, *Islam Online News*, available at: <http://islamonline.net/English/News/2006-01/19/article04.shtml> (accessed January 22, 2011).

<sup>86</sup> De Run, E., Butt, M., Fam, K. and Jong, T. (2010), *ibid.*, O'Connell, B. (1978), "*Dimensions of religiosity among Catholics*", Review of Religious Research, Vol. 16 No. 3, pp. 198-207.

<sup>87</sup> Johnson, 2001

<sup>88</sup> Al-Harran and Low, 2008; Lada et al., 2009.

<sup>89</sup> Ajzen and Fishbein, 1980

individual attitude towards an object but also accounts for the role of reference groups in forming and reinforcing such attitudes.<sup>90</sup> It is a fact that religion is the integral part of statehood in most of the Islamic societies, leaving secularism to live on its peripherals, thus it is extremely important to account for subjective influences while investigating religious issues in these societies.<sup>91</sup>

The possible presence of subjective norms in influencing such attitudes and intention to choose Halal products can help in explaining the role of reference groups in particular and society in general in forming such attitudes.<sup>92</sup> Furthermore, this research investigates the role of inter- and intra-personal components of religiosity in predicting intention to choose Halal products. The investigation of Muslim attitude towards Halal products is important in Islamic societies such as Pakistan, where it is generally assumed that products sold are Halal. Nonetheless, the growing share of international brands in consumer goods in general and food related items in particular have shifted the perception of blind trust to various degrees of skepticism towards these brands in our societies. A strong and positive attitude towards Halal product and its subsequent effect on intentions to choose Intention to choose Halal products.

Halal products will highlight the importance of properly addressing this issue in the second largest populated country of

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<sup>90</sup> Lada et al., 2009; Lutz, 1991

<sup>91</sup> De Run et al., 2010; Kavooosi, 2000; Lawrence, 1998

<sup>92</sup> Ajzen, I. and Fishbein, M. (1980), *Understanding Attitudes and Predicting Social Behaviour*, Prentice-Hall, Englewood Cliffs, NJ,

the Muslim world. Finally, the role of religiosity in predicting such attitude can help in addressing the needs of Muslim consumers.

### **C. Concept of Halal and its marketing implications in the Islamic world**

The followers of Islam are called Muslims. Islam is based on the Sunah (life) of Prophet Muhammad and teaching of Quran (all Muslims believe that it is God's revelation to his last Prophet Muhammad). The word "Islam" means surrendering or submitting one's will to the supreme will or law of God.<sup>93</sup> The Quran and Sunah plays a central role in constituting Islamic laws that describe and govern the duties, morals and behaviour of Muslims in every aspect of their life.<sup>94</sup>

These laws govern, what is lawful for a Muslim (Halal), and what is forbidden (Haram) and considered against the will of God and his Prophet Muhammad in Islamic societies.<sup>95</sup> Despite the misperception in the Western world that Halal applies to food items, the Arabic word Halal (halal, halaal), means "permissible" and it refers to anything that is permissible under Islamic law.<sup>96</sup> Nonetheless, few things are strictly prohibited for all Muslims apart from exceptional circumstances, such as a serious threat to life. These include acts like indulging in adultery, gambling, consuming liquor/pork, taking interest on money, using blood of

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<sup>93</sup> Fam et al., 2004

<sup>94</sup> Coulson, 1964; Luqmani et al., 1987; Terpstra and Sarathy, 1994

<sup>95</sup> Al-Bukhari, 1976; Al-Qadawi, 1999; De Run et al., 2010

<sup>96</sup> Kamali, 2003; Lada et al., 2009.



animals and the meat of a dead animal scarifies in the name of other than Allah.<sup>97</sup>

Thus, products that are made of/or contain liquor, pork, blood of dead animal and services such as contemporary commercial banking become Haram for most of the Muslims.<sup>98</sup>

In the context of Halal, Muslims are least confused about the permissibility of a product category. Nonetheless, the way it was produced or the ingredient used in its production can certainly cause concern. Some might argue that a complete consensus on the categorizing of all consumers' goods as Halal or Haram is a remote possibility in and among Muslim societies.<sup>99</sup> The fact is that there are certain products, which are difficult to be explicitly categorized as unlawful (Haram) in Islam, either because the religion is silent regarding the matter, or the product is latest in its invention.

Thus, it requires deductive reasoning from religious scholars to categorize it as Halal or Haram by decreeing a fatwa (religious ruling). In such cases the acceptance of religious judgment becomes subjective for individual Muslims. These types of products will fall into undecided category (Mubah). Cigarette, contraceptive products, energy drinks are

few of the cases in which their categorization by scholars is heavily sort after in the Muslim societies.<sup>100</sup> Nonetheless such products constitute a tiny share of a market segment of more

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<sup>97</sup> Al-Mohamed, 1997; De Run et al., 2010.

<sup>98</sup> (Ford et al., 1997)

<sup>99</sup> De Run et al., 2010

<sup>100</sup> De Run et al., 2010

than a billion consumers in the Islamic world. Thus, the importance of investigating such attitudes will remain pivotal for academicians and marketing practitioners.

Pakistan is considered to be the secondmost populated Muslimcountry after Indonesia.<sup>101</sup> In 2009, many international companies in Pakistan, like Frito lay, faced a major challenge when controversy emerged regarding the alleged use of impermissible ingredients in its famous brand of chips. Similarly, allegations thatKFC used clonedmeat, created serious sales problems, as cloned meat is impermissible under Islamic Sharia.

L'Oreal is battling to defend itself against accusations that some ingredients of its products contain enzymes generated from pork fats.<sup>102</sup> This recent trend also indicates that the study of attitude towards Halal products has greater implications forWestern brands. It also appears that if aWestern brand falls into a category that the local brands can compete with, sooner or later the permissibility of these Western brandswill be questioned by its competitors, forcing themto search for a leverage to defend its position in the Muslim consumption world.

The fastest and the brightest strategy for these brands, is to take refuge fromtheHalal certifications.This will help them in addressing the questions regarding the manner in which these brands were produced, but also ensure that it contains all the permissible ingredients. Halal certification canwork as an assurator, installing confidence in Muslim consumers and diminishing possible skepticism. For example, McDonald's in

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<sup>101</sup> Huda, 2010

<sup>102</sup> Kamaruzaman, 2007

Singapore has seen an arrival of eight million customers a year after obtaining a Halal certification.<sup>103</sup>

It is also important to understand and explore the economic dimension of this issue. Raising the product related suspicions in competitor customers' mind is the easiest way to increase possibilities that he/she will buy yours. This strategy is definitely less costly in execution and more pregnant in result. Thus, it is in favour of local brands and dozens of Halal certification agencies that the issue remains lurking in the minds of the Muslim customers. This will not only serve them well in this world, but probably will help them in building a better hereafter by vigilantly protecting the religious interest of Muslim society at large. Thus, it is of pivotal importance for all parties (certification agencies, local brands, foreign brands) to continuously measure Muslims attitude towards Halal products. A more positive attitude towards Halal products in Muslim consumers can force international brands to invest in Sharia compliance production by obtaining thirdparty Halal certifications. On the other hand, local brands in Muslim countries can always raise suspicions about the foreign brands. Although the macro factors and forces governing this issue will keep on shaping consumer as well as supplier attitudes and practices, the issue really matters at the individual level.

The core issue of Halal products reside on the religious beliefs of Muslims. Nonetheless, individual as in most cases also differ in their attitudes, intentions and behaviour when it comes to religion and religious implications.<sup>104</sup> It is logical to deduce that

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<sup>103</sup> Lada et al., 2009

<sup>104</sup> Fam et al., 2004

the greater the intensity of ones' religious affiliation, the higher will be the chances that he will strive to conform with his religious obligations in the consumption world. Thus, it is important to investigate the role of religiosity while investigating Muslim attitude towards Halal products. The next section will discuss the concept of religiosity and its relevance with the existing research.

Religion is a system of beliefs and practices that dictates individual response and interpretations regarding what is supernatural and sacred.<sup>105</sup> It also persuades people's goals, decisions, motivations, purpose and satisfaction.<sup>106</sup> Few argue that religious beliefs are tangled with cognitive elements, providing the basis of knowledge that control and justify our attitudes and behaviour.<sup>107</sup> This influence also plays a dominant role in shaping individual's attitude and behaviour towards material goods and services (Fam et al., 2004). Finally, religion acts as a cultural lens through which a respondent decodes Intention to choose Halal products the incoming message, thus directly influencing the outcome of marketing communication (Michell and Al-Mossawi, 1995; De Run et al., 2010).

Therefore, religion in general and Islam in particular, being the integral part of culture influences market researchers, to explore its role in the consumption world.<sup>108</sup> Hence it is important for organizations to investigate, understand and gauge the role of religion in purchasing decision of its intended segment.

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<sup>105</sup> Johnstone, 1975

<sup>106</sup> Zimbardo and Ruch, 1979)

<sup>107</sup> Foxall and Goldsmith, 1994

<sup>108</sup> Bettina et al., 2005; De Run et al., 2010

This will enable organizations to develop products that conform to the religious requirements of its customers. Furthermore, they can reap the benefits of such strategies by integrating religious cues and symbols in its communication. Infact, this is what many international brands are doing in Muslim societies or in countries where Muslims are a significant part of the population. McDonald, Taco Bell, KFC and Burger King are few examples of international brands that have successfully embedded such strategies and witness substantial increase in their customer influx.<sup>109</sup>

Nonetheless, while investigating the role of religion, it is of paramount importance to measure the subjective intensity of religion at individual level. The intensity of one's religious beliefs is termed as religiosity. Initially religiosity was thought to be a single dimensional construct measured only by a person's attendance to a religious center and his/her contribution to that sect.<sup>110</sup> However, many subsequent researchers established the multi-dimensionality of the construct, arguing that a single measure of religiosity is inadequate for any meaningful interpretation.<sup>111</sup> Allport's (1950), notion of intrinsic and extrinsic religiosity proved to be one of the greatest empirical works in the area of religiosity.<sup>112</sup> Intrinsic religiosity explains religion as

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<sup>109</sup> Sabri, *op. cit.*, p. 38

<sup>110</sup> Mokhlis, *op. cit.*, p. 68

<sup>111</sup> Bergan, A. (2001), "*Religiosity and life satisfaction*", *Activities, Adaptation & Aging*, Vol. 24 No. 3, pp. 23-34.

<sup>112</sup> Kennedy, E. and Lawton, L. (1998), "*Religiousness and business ethics*", *Journal of Business Ethics*, Vol. 17, pp. 163-78.

framework to understand life; on the other hand, extrinsic religiosity is a social convention.<sup>113</sup>

Others suggested a tri-component (cognitive, behavioural, experimental) model of religiosity: cognitive component describes religious attitudes or beliefs, the behavioural component addresses a person's church/religious institutional attendance and prayers and the experimental that addresses the need of mystical experiences.<sup>114</sup> Inspired by Allport's (1950) work, Worthington,<sup>115</sup> suggested a two-factor solution, one reflects the cognitive (intra-personal) dimension of religious beliefs and the other focuses on the behavioural (inter-personal) dimension by measuring individual participation in organized religious activities (Mokhlis, 2009).

A two-factor model provides a much deeper but simpler explanation of the attitudinal and behavioural dimension of religious affiliations. They developed a Religious Commitment Inventory (RCI-10) scale as an instrument to measure religiosity. The RCI-10 is one of the most established and validated scales to

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<sup>113</sup> Donahue, M. (1985), "Intrinsic and extrinsic religiousness: review and meta-analysis", *Journal of Personality and Social Psychology*, Vol. 48, pp. 400-19.

<sup>114</sup> Carlos Santiago Nino, *Transition to Democracy, Corporatism, and Constitutional Reform in Latin America*, (Miami: University of Miami, 1993), Lung, C.K., Chai, L.T. and Zulkufly, R. (2008), "Religiosity as a predictor of consumer ethical behaviour: a comparative study between public and private university students in Malaysia", *Journal of Business Systems, Governance and Ethics*, Vol. 3, pp. 43-56.

<sup>115</sup> Worthington, E.L., Wade, N.G., Hight, T.L., Ripley, J.S., McCullough, M.E., Berry, J.W., Schmitt, M.M., Berry, J.T., Bursley, K.H. and O'Connor, L. (2003), "*The religious commitment inventory-10: development, refinement and validation of a brief scale for research and counseling*", *Journal of Counseling Psychology*, Vol. 50, pp. 84-96.

measure religiosity.<sup>116</sup> Furthermore, while using religiosity as an independent variable, it will be interesting to investigate that which of its components plays a stronger role in predicting intention to choose Halal products. One can argue that the interpersonal might be a better predictor, being the behavioural component of religiosity.



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<sup>116</sup> Mokhlis, op. cit. p. 71

# Chapter IV

## CONSUMER BEHAVIOR AND HALAL PRODUCT

### A. Islamic Council of Queensland Inc Speech about Halal Product

Queensland is a state which has not had to worry too much about religious radicals unlike other southern states and the Islamic Council of Queensland Inc (ICQ)<sup>117</sup> wants to keep it that way. Working in collaboration with the Attorney-General's Community Resilience Building Program, ICQ will hold a major anti radicalisation event on November 26 at the Islamic College of Brisbane, 45 Acacia Rd, Karawatha.

The ICQ and the Attorney-General's Community Resilience Building Program funded program is to initiate and empower the Qld Muslim community, specially the youth, to become ambassadors of a peaceful Islam and proactively counter radical

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<sup>117</sup> P.O. Box 204 Sunnybank Qld 4109 45 Acacia Road, Karawatha, Qld 4117 Ph: (07) 3219 0555 Fx: (07) 3219 0555 Email: yunusrashid@hotmail.com



and extremist messages. The event will be attended renowned Islamic scholars like Doctor Mohammed Abdalla of the Griffith University and Queensland's leading Islamic Scholar Maulana Uzair Buksh. The star attraction will be the IBF World feather Weight Champion Bilal Dib or Billy the Kid as he is known in the ring.

ICQ believes that the vast majority of Muslims who adhere to the peaceful religion of Islam as espoused by the Prophet Mohammed (Peace be upon him) need to become proactive in countering any radical message that may be propagated within the community at any level. Islamic militants and radicals hide amongst the Muslim community. While open debate has raged in the media about Islamic militancy, the Islamic community has generally shunned this debate. It is time the community had this debate and openly. Community leaders have been cautious in openly condemning militancy and extremism of any sort in Islam for fear of personal reprisals. While the wider Muslim community has erroneously hoped that the problem of radicalisation would die a natural death by not directly confronting it as an issue directly involving the Muslim community, terrorist elements have made serious inroads into the youth via web based media. This workshop (to be followed by a series of smaller workshops) hopes to change the passive resistance of the Muslim communities to one of proactive involvement and empowerment of the youth to be able to say no to radicalisation without fear of repercussions knowing that the State and the community is behind them in fighting religious intolerance and radicalisation. While Qld has been relatively untouched by the same levels of radicalisation seen in NSW and Vic, ICQ sincerely believes that prevention is better than cure.

ICQ encourages all different Islamic cultural groups and societies to participate in the November 26 event. The coordinator for the series of workshops, ICQ President, Mohammed Yusuf, said the workshops would encourage Muslims to be able to live as constructive and peaceful Australian citizens as is expected by the ethos of Islam. "The Prophet of Islam was a mercy to mankind. His entire life was dedicated to bringing about peace amongst warring communities for the greater good," Mr Yusuf said "The key message ICQ wants to get out to our community, specially the youth, is that they will be fully supported in their endeavors to resist the approaches of radical groups and gangs. Our objective is to make our participants aware of how they can identify ways through which the radicalization process takes place and what they as individual law abiding Australian citizens and residents can do to say no to such processes.<sup>118</sup>

During the workshop ICQ will have prominent Australians, both from the Islamic community and the non-Islamic communities, to speak to participants about a range of issues, including the process of radicalization, the support available to those who may feel disenfranchised, and the need to make Australia truly a home and refuge from the atrocities around the globe.<sup>119</sup>

Halal describes what is lawful for Muslims to eat. It gives a range of beverages and foods (including meat) that are acceptable. Halal food laws are based on interpretation of the Quran, the Muslim scripture. Before halal slaughter, the

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<sup>118</sup> Question with Dr. Mohammed`Abdalla, in the Griffith University of Queensland.

<sup>119</sup> See [yunusrashid@hotmail.com](mailto:yunusrashid@hotmail.com).

invocation of Allah's name over the animal is required. Halal slaughter in Australia may differ from halal slaughter overseas because of the differing interpretations of the Quran.

The standard for meat production in Australia is that all animals must be effectively stunned (unconscious) prior to slaughter. The vast majority of halal slaughter in Australia complies with this standard. The only difference with halal slaughter is that it uses a reversible stunning method, while conventional humane slaughter uses an irreversible stunning method. All commercial chicken abattoirs in Australia stun chickens prior to slaughter, including for halal chicken. Halal slaughter in overseas abattoirs often does not include stunning - this is the key difference between halal slaughter in Australia and many other countries.

However, there are instances where the relevant Australian state or territory meat-inspection authority can approve an abattoir for ritual slaughter without prior stunning - either halal or kosher (Jewish slaughter) - for the domestic market. These are effectively exemptions to standard Australian slaughter practice. The proportion of animals slaughtered under these exemptions is very small, but nevertheless that any animals are slaughtered without stunning is of concern to the RSPCA.

The RSPCA is strongly opposed to all forms of slaughter that do not involve prior stunning of the animal. Exemptions to pre-slaughter stunning for sheep and cattle. For cattle and sheep, the requirements for religious slaughter without prior stunning are set out in a nationally adopted guideline *Ritual Slaughter for Ovine (Sheep) and Bovine (Cattle)*: For cattle, this means the animal must remain in an upright position with the head and body

restrained. The animal must be stunned with a captive-bolt pistol immediately after the throat is cut. Two separate people must perform the sticking and stunning. If there are any problems restraining the animal while attempting to stick it, then it must be stunned immediately. For religious slaughter of sheep, the guideline requires cutting both the carotid arteries and the jugular veins. This must be confirmed â€ if they are not completely severed, then the animal must be immediately stunned. Cattle and sheep requirements are different because cattle have an extra blood supply to the brain through the back of the neck. Therefore, cutting cattle throats results in less rapid loss of consciousness.

Concerned there are greater risks of animal suffering during religious slaughter without stunning than for conventional slaughter. The number of animals involved is a tiny percentage of all animals killed but, regardless, the method is distressing to the animal due to: 1. increased restraint; 2. injury caused by the slaughter methods; and 3. subsequent bleeding out. The use of stunning during the slaughter process can remove some, but not all, of these concerns.

What is halal slaughter in Australia? The RSPCA definition of humane killing is: 1). an animal must be either killed instantly or rendered insensible to pain until death supervenesâ; 2). When killing animals for food, this means they must be stunned before slaughter so they immediately become unconscious. The RSPCA policy on ritual slaughter is clear: slaughter without prior stunning is inhumane and completely unnecessary. The RSPCA is opposed to inhumane methods of killing and continues to promote this view to governments and the public.

What you can do to help? Because it is the state/territory meat or food authority that provides some abattoirs with special permission to conduct religious slaughter without prior stunning, the best person to contact is your state/territory Minister for Agriculture. Tell them you are opposed to inhumane methods of killing animals, including the slaughter of animals without prior stunning. You can also tell the Federal or your State/Territory Minister for Agriculture how you feel about religious (some halal and all kosher) slaughter practices that don't involve prior stunning of the animal to ensure it is unconscious and insensible to pain before the throat is cut. For further information, see: Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.<sup>120</sup>

## **B. What is Halal Slaughter in Australia?**

Kosher describes what is *fit and proper* for people of the Jewish faith to consume. It gives a range of beverages and foods (including meat) that are acceptable. Kosher food laws are based on interpretation of the Bible and the Torah, the Judaic scriptures. Jews are forbidden to consume blood. Kosher meat must be slaughtered in a particular way, so the rabbi in a kosher meat plant is a specially trained religious slaughterer. The animal must be killed so it feels little pain. A sharp knife is used to cut the oesophagus, the trachea, carotid arteries and jugular veins in one

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<sup>120</sup> Farm animals -> Animal management -> What is halal slaughter in Australia? <http://kb.rspca.org.au/entry/116/>. Last updated: 16 Aug, 2013.

action. Excessive pressure on the blade is forbidden. The animal is raised so blood flows out and this is then covered with dirt. Failure to do any of these acts correctly means the animal is unfit to eat.

The standard for meat production in Australia is that all animals must be effectively stunned (unconscious) prior to slaughter. Kosher slaughter does not comply with this standard. Despite the Australian standard requiring stunning, there are instances where the relevant Australian state or territory meat-inspection authority can provide an exemption and approve an abattoir for ritual slaughter without prior stunning-either halal or kosher-for the domestic market. These are effectively exemptions to standard Australian slaughter practice.

The RSPCA is strongly opposed to all forms of slaughter that do not involve prior stunning of the animal. Exemptions to pre-slaughter stunning for sheep and cattle.

For cattle and sheep, the requirements for religious slaughter without prior stunning are set out in a nationally adopted guideline *Ritual Slaughter for Ovine (Sheep) and Bovine (Cattle)*: For cattle, this means the animal must remain in an upright position with the head and body restrained. The animal must be stunned with a captive-bolt pistol immediately after the throat is cut (known as "sticking"). Two separate people must perform the sticking and stunning. If there are any problems restraining the animal while attempting to stick it, then it must be stunned immediately.

For religious slaughter of sheep, the guideline requires cutting both the carotid arteries and the jugular veins. This must be confirmed if they are not completely severed, then the

animal must be immediately stunned. Cattle and sheep requirements are different because cattle have an extra blood supply to the brain through the back of the neck. Therefore, cutting cattle's throats results in less rapid loss of consciousness. Kosher beef, sheepmeat and chicken are produced from animals that have not been stunned prior to having their throat cut. The RSPCA is concerned there are greater risks of animal suffering during religious slaughter without stunning than for conventional slaughter. The number of animals involved is a tiny percentage of all animals killed but, regardless, the method is distressing to the animal due to: 1). increased restraint; 2) injury caused by the slaughter methods; 3) subsequent bleeding out.

The use of stunning during the slaughter process can remove some, but not all, of these concerns. The RSPCA definition of humane killing is: 1). an animal must be either killed instantly or rendered insensible to pain until death supervenes; 2). When killing animals for food, this means they must be stunned before slaughter so they immediately become unconscious. The RSPCA policy on ritual slaughter is clear: slaughter without prior stunning is inhumane and completely unnecessary. The RSPCA is opposed to inhumane methods of killing and continues to promote this view to governments and the public.

What you can do to help. Because it is the state/territory meat or food authority that provides some abattoirs with special permission to conduct religious slaughter without prior stunning, the best person to contact is your state/territory Minister for Agriculture. Tell them you are opposed to inhumane methods of killing animals, including the slaughter of animals without prior stunning. You can also tell the Federal or your State/Territory

Minister for Agriculture how you feel about religious (some halal and all kosher) slaughter practices that don't involve prior stunning of the animal to ensure it is unconscious and insensible to pain before the throat is cut.

For further information, see: Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.<sup>121</sup>

Data were examined for missing values and wrongful coding, before proceeding to the main analyses. The examination of data reveals no case of wrongful coding. In the second step, the data were analyzed for missing values. It is hardly possible to obtain a large dataset without any missing values.<sup>122</sup> Mean score substitution procedure was used to replace the random missing values in the data<sup>123</sup>. The data were further tested for its reliability using Cronbach's  $\alpha$ . After the reliability analysis, an aggregate average score of the items for each scale of the variables was computed to create the variates. For example, the

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<sup>121</sup> Farm animals -> Animal management -> What is kosher slaughter in Australia? <http://kb.rspca.org.au/entry/117> / Last updated: 16 Aug, 2013

<sup>122</sup> Hair, J.F. Jr, Anderson, R.E., Tatham, R.L. and Black, W.C. (2007), *Multivariate Data Analysis*, 6th ed., Prentice-Hall, Englewood Cliffs, NJ.

<sup>123</sup> Tabachnick, B.G. and Fidell, L.S. (2001), *Using Multivariate Statistics*, 4th ed., Allyn & Bacon, Boston, MA., Shammout, A.B. (2007), "Evaluating an extended relationship marketing model for Arab guests of five-star hotels", unpublished PhD dissertation, School of Hospitality, Tourism and Marketing Faculty of Business and Law Victoria University, Melbourne.



average score of the two items of attitude towards the Halal products was used to compute this variable.

In the model all the independent variables including inter- and intra-personal religiosity were used to predict intention to choose Halal products. However, the inter-personal religiosity fails to significantly influence intention to choose Halal products. A detailed examination of the step wise regression results indicate that subjective norm is the most significant predictor/antecedent of intention to choose Halal products.



# Chapter V

## RESTAURANT AND HALAL CERTIFICATION

### A. Sacred Law in A Secular Land to What Extent Should Shari'a Law be Followed in Australia?

Muslims are obliged to follow the Shari'a law wherever they live. However, in Australia – as in other Western, secular countries—the extent to which Shari'a should be followed is debatable. In these countries, some Muslims appeal for partial application of Shari'a in personal, financial and family matters; others hope for full Shari'a implementation. The sentiment among the wider non-Muslim community is typically pejorative, leading to outright rejection of Shari'a law, regardless of any ensuing benefit. However, the practice of Shari'a is dependent on a number of factors, not the least of which is the country in which a Muslim lives—the 'abode'. This article examines classical and contemporary juristic discourse on the extent to which a Muslim is obliged to follow Shari'a in non-Muslim countries.<sup>124</sup> It presents

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<sup>124</sup> *Mohamad Abdalla* is Associate Professor and Founding Director of the Griffith University Islamic Research Unit (GIRU), and Director of

a holistic understanding of the meaning and intent of Sharī'a, and describes the conditions under which these laws should be followed. Importantly, relying on the views of leading classical and contemporary scholars, the article demonstrates that in non-Muslim lands Muslims are only obliged to follow certain aspects of personal status law.<sup>125</sup>

Sharī'a<sup>126</sup> usually conjures fear in the Western psyche, for it is often associated with the *ḥudūd* laws—the penalties prescribed for certain crimes, or penal laws – and the supposed incompatibility it has with democracy and human rights. Notwithstanding the fact that some contemporary Western scholars postulate the influence of Islamic law on certain aspects of the common law,<sup>2</sup> and Sharī'a's compatibility with the higher

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the Queensland Node of the National Centre of Excellence for Islamic Studies (NCEIS), School of Humanities, Griffith University. I am indebted to several colleagues, Shaykhs and Imāms for their invaluable advice and comments. I should note, in particular, my discussions with Muftī Riḍā'ul Haq, Head Muftī of Dār al- 'ulūm Zakariyya and Chairperson of the Board of Muftis, South Africa; Shaykh Abdul Moez Nafti, former President of the Australian National Imams Council (ANIC); Shaykh Dr Tariq Asadullah Syed, member of the Council of Islamic Jurisprudence and Research (a subsidiary of ANIC); Shaykh Chamseddine Mokrani, member of the Council of Imāms Queensland (CIQ); Shaykh Imraan Hussain, Imām of the Gold Coast Mosque and Secretary of CIQ; and two anonymous referees for having read a previous draft and from whose comments I benefited greatly. I would also like to express my gratitude to Gregor Shepherd and Gillian Warry for proofreading an earlier draft of this manuscript.

<sup>125</sup> 658 GRIFFITH LAW REVIEW (2012) VOL 21 NO 3

<sup>126</sup> Usually spelt Shariah but other spellings include Shariah, Shari'a and Syariah. Phonetically, Sharī'a is a more accurate spelling and this will be used henceforth in this article. In the transliteration of Arabic terms and names the article uses macrons (such as ū, ̣, ḥ, ā) to enable Arabic speakers and specialists to re-establish precise equivalence of the words.

objectives of democracy,<sup>127</sup> it seems that ‘no legal system has ever had worse press’.<sup>4</sup> For example, in 2006 the then federal Treasurer Peter Costello used a speech at the Sydney Institute to declare that ‘there was no place for Sharī’a laws in secular society like Australia’ because being an Australian means that ‘you do have to believe in democracy, the rule of law and the rights and liberties of others’<sup>5</sup> – concepts that are not discounted by the Sharī’a. Similarly, in March 2012, the Attorney-General, Nicola Roxon, said ‘there is no place for Sharī’a law in the Australian society and the government strongly rejects any proposal for its introduction’ in response to the execution of wills that favour sons over daughters.<sup>128</sup>

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<sup>127</sup> Professor George Makdisi (1999) provides new groundbreaking research that demonstrates that three legal concepts – which were injected into the English legal system – have no other origin but in the Islamic legal practice – namely, contract (action of debt identified with the Islamic ‘*aqd*’), the assize of *novel disseisin* (which played a major role in shaping the common law, and is identified with the Islamic *istiḥqāq*), and trial by jury (identified with the Islamic *laḥf*). Makdisi’s evidence lies in the ‘unique identity of characteristics of these three institutions with those of their Islamic counterparts, the similarity of function and structure between Islamic and common law, and the historic opportunity for transplants from Islam through Sicily’. The Islamic influence on the common law was suggested by other earlier scholars, such as Henry Cattan, who in 1955 noted that the English trust closely resembled and probably derived from the earlier Islamic institution of *waqf*. See, for example, Cattan (1955), pp 213–15.

<sup>128</sup> Karvelas (2012). This was in response to a bitter dispute between siblings that came before the ACT Supreme Court in Canberra in March 2012, when a daughter of a devout Muslim woman demanded she receive the same inheritance as her brothers. Based on Qur’an 4:11, a female receives half the inheritance of her male siblings or relatives. However, it should be noted that there are also eleven cases where a woman inherits the same amount as a man, in fourteen cases she inherits more than a man, in five cases she inherits and a man does not, and only

This pejorative response is the result of a host of factors including, but not limited to, 'media's reports which highlight "differences" and feed into fears about Muslim presence in Australia',<sup>129</sup> a failure to understand the meaning and nature of Shari'a and a view that 'Muslims are the least liked of all immigrants and are seen as the most threatening'.<sup>9</sup> More specifically, 'for many women's rights activists working internationally, especially those coming from a Western context, Shari'a is believed to be a major obstacle to women's rights'<sup>10</sup> because 'to many, the word "Shariah" conjures horrors of hands cut off, adulteress stoned and women oppressed'.

In the Australian context, this is possibly exacerbated by recent requests made by some Australian Islamic organisations and individuals to introduce a plural legal system in Australia (such as that in Singapore or India) that can accommodate aspects of Islamic law, and by more extreme demands to fully implement Shari'a by groups such as Sharia4Australia. For example, former Islamic Council of Victoria (ICV) president and lawyer Hyder Gulam has called for Australia to embrace legal pluralism. Specifically, he called for the 'recognition of Sharia in terms of dispute resolution (similar to what the Jewish community has in relation to the Beth Din courts, or similar to the reconciliation hearings at the Koori Courts in Victoria)'.<sup>12</sup> Hyder argues that, up to 1992, 'the Muslim communities of Christmas and Cocos (Keeling) Islands successfully managed their religious affairs and regulations using their Muslim personal and

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in four cases will a woman inherit less than a man For more information on this topic see, for example, Sultan (1999).

<sup>129</sup> Black and Sadiq (2011), p 397.

customary laws without any conflict with Australian Family Law of 1975.

Likewise, in 2011 the Australian Federation of Islamic Councils (AFIC), Australia's peak Islamic organisation, submitted a proposal to the government calling for legal pluralism to accommodate Sharī'a family law, Islamic finance and *ḥalāl* certification.<sup>130</sup> Notwithstanding the above, a preliminary Australian Research Council funded study of 80 Australian Muslim lawyers and religious community leaders 'revealed a mixed attitude towards Sharia law ... some participants believed that Australian law should always come first. But others believe that aspects of Sharia and civil law could coexist, for example in the areas of family law, wills and Islamic finance.'<sup>130</sup>

## **B. Implementation Theory of Planned Behavior**

Food is an important aspect in our life. As well as being vital for existence it is also considered an essential factor for interaction among various ethnic, social and religious groups (Riaz and Chaudry, 2004). All human being are concerned about the food they eat. Some of them have their own food restrictions, such as Muslims want to ensure that their food is halal. As far as halal food is concerned, the relationship between halal and Islam has created a unique and special value to the Muslims when food

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<sup>130</sup> March (2009), p 38 notes that: 'On many non-constitutional matters there is a space in liberal societies for negotiating the precise terms of public and private life, a condition for which *fiqhī* reasoning is ideally suited. On the other hand, liberal societies are more inflexible than non-liberal ones on the question of legal pluralism. It is much harder for liberal societies to grant Muslim communities parallel legal jurisdiction to apply the *sharī'a* than it is for societies without universalizing commitments to equality in civil rights.'

is discussed. Malaysia, like other countries, consists of different religions and followers. Religion plays one of the most influential roles in the choices and subsequent selection of foods consumed in certain societies (Dindyal and Dindyal, 2004). Malay people who are Muslims and consume halal food represent the majority of the population. Apart from them, the Indians and Chinese also have their own religious dietary prohibitions.

Halal food has its own regulations as found in the Quran. Muslims who want to become good followers must adhere to the standards and stay away from the haram foods. The halal concept under Islamic dietary laws is precise and clear. In fact, the permissible food is large while the prohibited is small but with reasons.<sup>131</sup> Taking the demand for halal food that is growing inevitably, restaurant managers in Malaysia have their own perspectives toward halal certification that contributes to the growth of food marketing and tourism industry. Mohd Yusoff (2004) defined halal certification as an examination of food processes in its preparation, slaughtering, cleaning, processing, handling, disinfecting, storing, transportation and management practices. Therefore, halal certification in an eating premise means that the entire food supply chain conforms to the Islamic dietary rules which do not tolerate haram (prohibited) materials.

Halal certification will be issued upon obtaining approval from the LP POM MUI halal certification approval panel that consists of experts in Shariah (Islamic law) and scientists on

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<sup>131</sup> The current issue and full text archive of this journal is available at [www.emeraldinsight.com/1759-0833.htm](http://www.emeraldinsight.com/1759-0833.htm) Journal of Islamic Marketing Vol. 3 No. 1, 2012 pp. 47-58 q Emerald Group Publishing Limited 1759-0833 DOI 10.1108/17590831211206581

technical matters. Upon certification a food premise must display the halal logo at visible and appropriate places. Describing the process is significant for the understanding of the concept of halal because it reemphasizes that halal is not only limited to the food materials and ingredients used in a restaurant but covers all aspects in the food supply chain as well as personal hygiene, clothing, utensils and working area. The process therefore reiterates that, above all else, every Muslim demands that a product complies fully with Islamic religious standards.

Therefore, halal certification offers such reassurance to Muslim consumers. The issues of food safety are becoming more complex in line with the advance of food technology. Trading food without certification and providing false documentation are among the contribution factors in the issue. Consumers ultimately must have confidence in the value of certification if they want to pay more for the certified goods (Caskie and Davis, 2001). The impact of food safety issue to the consumers is that they will lose their trust when the food they eat is not actually what they expected. Therefore, halal certification is a critical issue that must be addressed carefully by the food, hospitality and restaurant industry players in consideration of the Islamic dietary laws (Bonne and Verbeke, 2008; Mohamed Nasir and Pereira, 2008).

The attitudes and comments of the participants during the interviews indicated that most of them were aware of the Muslim dietary restriction of halal and haram. Participants emphasized that the importance placed on Muslim sensitivity including food and religious practices within the context of Islamic values is inextricably linked in a Muslim country like Malaysia. In addition to valuing the sensitivity of the Muslims, non-Muslim participants



expressed their understandings on conforming to the halal standard and procedures.

Apart from that, as would probably be expected, the Muslim respondents viewed the halal concept and certification in a more detailed way. It seems a hard task for them to comply with the halal standard but they had to do it being a Muslim. The Muslim restaurant managers emphasized that becoming a good Muslim was not difficult although there were some Muslims who in a way declined to follow partly or entirely the Islamic regulations

### **C. Halal Certification Attributes**

A dominant theme that emerged in the discussion is on trust which integrates two major aspects such as from the participant's perspectives as well as the customers. The researcher found that almost all of the participants that operated halal certified and halal claimant restaurants were particular about trust with respect to the food they purchased and the way they prepared it.

The results of this study have significant implications on marketers since halal market will likely become one of the great market forces in the coming decades. Restaurant managers who operate halal restaurants must be fully aware that the whole process in the premise must follow the judgments of halal and haram. This study provides the evidence that all of the participants who run halal and halal claimant restaurants maintain and conform to the halal standard.

In Indonesia, LP POM MUI is responsible in the issuance of halal certificates and execution of halal policy related to food and non food products (LP POM MUI, 2006). The National SME Development Council (2006) reported that the Codex

Alimentarius Commission, which is responsible under the United Nations for international regulation of food preparation, has cited Malaysia as a good example in terms of the halal food certification process. With that, the Malaysian model has therefore come to be regarded as a potential role model for the development of halal food quality assurance processes internationally. By having a halal status, food industry will be more aware in fulfilling the high demand of Muslim consumers particularly in their food choice. In their evaluation of halal food preparation reiterate the importance of cleanliness in the context of food and drink as Islam considers eating as a matter of worship. The Islamic attributes suggested by halal certified restaurants is regarded as increasing the confidence and demand of Muslim customers, conforming to halal standards and signifying all food sources are halal certified. The satisfaction based on trust increases the confidence level among the Muslim customers when deciding to visit an eating premise. It is gathered from the findings that this element of trust covers all aspects in the food supply chain as well as the dining experience. The importance of trust in this study of restaurant managers is similar to other studies on halal food, products and restaurants. Almost all the restaurant managers who participated in the survey expected that halal certification would represent the image of the whole restaurant.

Restaurant managers claimed during interviews that when there is halal certification, the food is guaranteed clean and safe. They reasoned that the halal concept of Halallan Toyyiban (wholesomeness, pure and clean) delivers the highest quality in cleanliness as the halal status requires comprehensive and stringent procedures before approval. Thus, almost all

participants during interviews were very concerned with cleanliness during food preparation. The majority of Muslim restaurant managers mentioned that blessings were said during the cleaning and cooking of food in their restaurants to make it even cleaner in the religious sense. Therefore, this research reinforces that the religious understanding of food safety should be part of the broader definition of food safety as one of the top priorities in the food quality systems (Peri, 2006).

Given that Australia consists of multiple ethnicities, the halal status of a restaurant is expected to create unity among its people. Although the research on defensive dining by Mohamed Nasir and Pereira (2008) was on Muslim customers in retaining halalness in the multicultural setting of Singapore, their study suggested that the widespread acceptance of halal foods by different ethnic groups allowed participation in multicultural everyday life. Such a finding, supported by the results of this study, may have important implications for cultural relationships between Malaysia's various ethnic groups as both Muslims and non-Muslims can sit and eat together in an eating premise that is of halal compliance.

The non-Muslim respondents of halal certified and halal claimant restaurants also respected the dietary restrictions of the Muslims and work closely to fulfill and maintain the halal standard. Moreover, they emphasized the importance of knowledge relating to Muslim dietary prohibition and religious practices. An interesting aspect is that there are some non-Muslim restaurant managers who have much interest and are well versed in Islamic Dietary Law. Their sensitivity towards halal food and eating environment may be one of the results of living with multiple races for centuries.

Generally, many people particularly non-Muslims perceived halal as food that only Muslims could consume (Abdul Talib et al., 2008; Muhammad, 2007). Thus, they became skeptical when in fact, people of all religions could consume it without any reservations. The Islamic dietary laws have guided the Muslim followers to eat food that is good and pure according to the Quran and Habit (the sayings and practices of Prophet Muhammad). Therefore, halal certification is seen as a source of potential to build trust among the Muslims that foods with the status are consumable.

The findings suggested that the respondents from different culture had different understanding towards halal certification although the fundamental aspect was typically similar. Almost all of the respondents who were Malay restaurant managers who represented the halal certified and halal claimant restaurants agreed that halal certification is an important aspect in the restaurant industry and they follow the halal standard accordingly.

#### **D. Restaurant and Consumer Behavior**

The restaurant managers who participated in this study showed much interest and concern with the halal status of their eating premises. Halal certification is very important to the restaurant industry in Indonesia but the actual implementation of its standard is crucial for the comprehension of those who are unfamiliar with Islamic dietary rules. Overall restaurant managers in Malaysia believed that having a halal status is an advantage as the market for halal food is rising and consumers are demanding for halal certified food products including those available at eating outlets.

This study has faced some limitations that contributed to a lengthy duration of data collection. The researcher had to wait for four months to generate the data following some constraints in terms of time and follow ups, poor response rate and language barriers. It is due to the coverage of three types of restaurants including halal certified, halal claimant and non-halal. Future studies should explore on a single type of halal serving option such as halal certified or halal claimant restaurant that addresses the customer expectations on their intention to patronize those halal eating establishments that display certified halal logos not being issued by LP POM MUI.

Another prevalent issue that can be addressed in future research is on the standardization of halal certification internationally that has long been debated. As the samples of the study were generated from restaurant managers in Malaysia, perhaps future studies can make comparisons on restaurant managers' expectations toward halal certification in halal certified restaurants elsewhere in South East Asia or in other parts of the world including the American, European and British context. Furthermore, it is seen crucial to the halal industry to generalize these findings internationally.

Owing to the increasing demand for *halal* food in the world's market, many Muslim consumers are feeling doubtful and unconfident that the foods that are sold to the market might encourage some countries to think about *halal* food processing. Much of the research reports on *halal* food markets are predicted but there is dearth of theory-driven research on *halal* food purchasing. In general terms, theory-driven research facilitates a better understanding of the attitudinal and behavioral factors

that influence a particular behavior, allows researchers to propose and test causal models of the behavior, and ultimately facilitates effective design and implementation of programs that aim to promote the behavior.

Thus, a further purpose of this study was to apply the Theory of Planned Behavior (TPB) to the study of *halal* food purchasing of Malaysian consumers. Looking at the current scenario, the purpose of this study is to examine the major determinants of *halal* food purchasing intention in Malaysia. Malaysian Muslim consumers generally look for the authentic *halal* certification or logo issued by the LP POM MUI which is under the purview of the Ministry in the Prime Minister's Department. Owing to the multicultural nature of Malaysia, not all local companies place the "Islamic" feature on their packaging and labeling of the products. But *halal* food is one of the most important issues for the Muslim community. In this present business scenario in Indonesia, this study seeks to examine the consumers' *halal* food purchasing behavior, as well.

Purchasing behavior depends on specific social, cultural, economic, legal, and political contexts, which may differ significantly between countries and even regional areas that limit the generalization of research results from one country's to another country's contexts. This justifies an empirical investigation of Indonesian and Muslim Community in Australia consumers' awareness, perception, and their readiness or concerns about their current and potential purchasing behavior to uncover the factors that encourage or deter *halal* food purchasing. Moreover, this will contribute to confirm past findings of limited research attempts in developed a country's

contexts and possible generalization on *halal* food purchasing in Indonesia and Australia.

There are some questions as to the applicability of TPB model in *halal* food purchasing. Theoretically, this is difficult to answer. We see this issue as more of an empirical question; do the testable implications hold up empirically? An underlying premise of the current study is the beliefs about the *halal* food purchasing. TPB ([1], [3] Ajzen, 1985, 1991) is an extension of the theory of reasoned action (TRA) ([4] Ajzen and Fishbein, 1985), made necessary by the latter model's inability to deal with behaviors over which individuals have incomplete volitional control. Volitional control represents the degree to which a behavior can be performed at will ([10] Blackwell *et al.*, 2006). Behavior that is not consciously considered cannot be explained by this theory. The TPB model explains if an individual's performance of a certain behavior is determined by his or her intent to perform that behavior. For TPB, attitude towards the target behavior and subjective norms about engaging in the behavior are thought to influence intention *halal* food purchasing behavior, and TPB includes perceived behavior control over engaging in the behavior as a factor influencing intention and purchasing behavior. An attitude towards a behavior is a positive or negative evaluation of performing that behavior and perceived behavioral control is informed by beliefs about the individual's possession of the opportunities and resources needed to engage in the behavior ([3] Ajzen, 1991).

The existence of uncontrollable factors would interfere in our ability to do what we intend to do. When this disruption occurs, intention becomes a less accurate predictor of behavior.

Consequently, perceived behavioral control, representing a person's belief about how easy it is to perform the behavior, is important in predicting behavior. From this point of view, one of the limitations of TRA is that it never takes perceived behavior control into account.

Attitude is the evaluation of performing a particular behavior involving the attitude object, such as buying the product ([10] Blackwell *et al.* , 2006). Attitude refers to the degree to which a person has favorable or unfavorable evaluation or appraisal of the behavior in question. As a general rule, the more favorable the attitude and subjective with respect to a behavior, and the greater the perceived behavioral control, the stronger should be an individual's intention to perform the behavior under consideration. The relative importance of attitude, subjective norm, and perceived behavioral control in the prediction of intention is expected to vary across behaviors and situations ([3] Ajzen, 1991). According to the expectancy-value model, attitude toward a behavior is determined by the total set of accessible behavioral beliefs linking the behavior to various outcomes and other attributes. Therefore, attitude can be considered as an important part of predicting and describing human behavior ([2] Ajzen, 1988). Thus, the following hypothesis needs to be substantiated: *H1*. There is a significant and positive relationship between attitude and intention to purchase *halal* food products.

The predictor social factor termed subjective norm is the perceived social pressure to comply with expectations about engaging in the behavior which should influence the individual's intention to perform or not to the behavior. If social expectations are that people should perform in the behavior in question, then



the individual should be more likely to do so. Conversely, if social expectations are that people should not perform in the behavior, then the individual should be less likely to do so. In this case, if purchasing of *halal* food is seen as socially desirable behavior, based on what important others think about it, than the individual is more likely to make a *halal* food purchase. In this study, subjective norm is the perceived social pressure that influences consumers' decisions to purchase *halal* food. For this context, we propose: *H2*. There is a significant and positive relationship between subjective norm and intentions to purchase *halal* food products.

According to [3] Ajzen (1991), perceived behavioral control is the extent to which a person feels able to engage in the behavior. It has two aspects: how much a person has control over behavior and how confident a person feels about being able to perform or not perform the behavior. It is determined by the individual's beliefs about the power of both situational and internal factors to facilitate the performing of the behavior. The more the control an individual feels about making *halal* food purchases, the more likely he or she will be to do so. In this study, perceived behavioral control is the ability to purchase *halal* food. Therefore, the hypothesis is: There is a significant and positive relationship between perceived behavior control and intention to purchase *halal* food products.

All items intended to measure the variables in this study were adopted from previously validated instruments. The construct of subjective norm and behavioral intention was measured with scales from [50] Venkatesh and Davis (2000), modified so that the focus was on the *halal* food purchase.

Perceived behavioral control and attitude were assessed with measures reported by [47] Taylor and Todd (1995). Again, the items were modified for *halal* food purchase. Measures of attitude (four items), subjective norms (two items), perceived behavioral control (three items), and intention (five items) were measured. All the questions used a six-point Likert scale in which 1 indicated "strongly disagree," 2 indicated "disagree," 3 indicated "somewhat disagree," 4 indicated "somewhat agree," 5 indicated "agree," and 6 indicated "strongly agree." Regression analysis was used to analyze the data.

The internal reliability of the items was verified by computing the Cronbach's alpha ([37] Nunnally, 1978). Nunnally suggested that a minimum alpha of 0.6 sufficed for early stages of research. The Cronbach's alpha estimated for attitude was 0.731, subjective norm was 0.758, perceived behavioral control was 0.876, and behavioral intention scale was 0.757. As the Cronbach's alpha in this study were all much higher than 0.6, the constructs were therefore deemed to have adequate reliability.

The main objective of this study is to explore how the TPB could facilitate in predicting the intention to purchase *halal* food products in Malaysia. The study results show that the TPB model could explain 29.1 percent of the variance in the intentions to purchase *halal* food products. The model was statistically significant and this study results demonstrates, once again, the robustness of the TPB for helping to explain *halal* food purchasing intention. Other studies have also successfully used the TPB as a theoretical framework from which to examine the purchase intention ([12] Bredahl *et al.*, 1998).

The study depicted that attitude has a significant and positive effect on *halal* food purchasing intention. Attitude is an

important factor in influencing consumer intention in purchasing *halal* food products because those with high positive attitudes appeared to have greater intentions to intent to purchase *halal* food products. Social pressure may compensate for high favorable attitudes in building intentions to purchase *halal* food in such culture.

Consistent to the study of [32] Karijin *et al.* (2007), the research found that subjective norm was positively and significantly related to intention. This study also confirms other studies like [31] Kamariah and Muslim's (2007) which found subjective norms to be important. In more individualistic cultures like Western cultures, people perceived themselves as autonomous and independent of the group and prioritized personal goals over collective goals, which would lead to a higher use of personal attitude versus social norms in behavioral decisions. On the other hand, in collectivistic cultures such as the Muslim culture, people tend to perceive themselves as interdependent with their group and tend to strive for in-group rather than personal goals ([32] Karijin *et al.* , 2007). This is matched with the findings of this study that subjective norm is important in influencing consumers' purchase intention, especially in Malaysia, a collectivistic country.

The study also confirmed that perceived behavioral control has a significant effect on *halal* food purchasing intention. The relationship is a positive relationship which means that the greater impact of control in explaining variability in behavior is not unusual. [18] Eagly and Chaiken (1993) and [11] Bonne and Verbeke (2006) summary studies concerning various behavioral criteria have reported similar findings. [3] Ajzen (1991)

suggested that control could directly affect behavior by increasing effort to goal achievement.

The TPB model appeared to effectively predict *halal* food purchase intention among consumers in Malaysia. To encourage *halal* food purchasing from a behavioral perspective, government authority and *halal* food manufacturing companies might focus on creating social expectations regarding *halal* food purchasing and improving consumers' sense of their ability to buy *halal* food. Past research may provide guidance in developing these perceptions, beliefs, and attitudes. For example, [32] Karijin *et al.* (2007) reported that *halal* food assured the quality of the products.

Research is needed on application of Consumer Behavior in Western and Muslim countries. Modification of the model may help to maximize their predictive efficacy ([36] Moon and Kim, 2001). Analysis of non-*halal* food purchaser perceptions and attitudes should be explored. Data from these individuals could provide insight concerning the factors involved with trying *halal* food the first time. Learning the reasons for this group's non-*halal* food usage may help researchers to break down barriers to non-*halal* food purchasers' participation in the food buying learning. Further exploration of the studies of the *halal* food purchaser behavior in Western countries may also be useful applications in Malaysian companies those intent to export their *halal* food products in that particular countries.

This study considered only three antecedents of *halal* food purchasing among consumers in Malaysia. There may be well be others that should be considered in future research, such as other aspects of trust, moral obligation, habit, and self-identity (Karijin

*et al.*, 2007). Valid and reliable scales for these constructs need to be developed in order to include them in future research (George, 2002).



# Chapter VI

## FINAL REMARKS

### A. Conclusions

The results indicate that attitude and subjective norms are important antecedents of Pakistani Muslims intention to choose Halal products. Therefore, market researchers in general and international brands in particular should design their marketing campaigns focusing on creating awareness regarding their compliance with Halal products using open and crisp communication.

In the Muslim majority, the concept of *halal* is an absolute key to consumption. Muslim consumers nowadays are faced with a broad selection of products and services. Each product category offers many different brands either locally named or internationally recognized. Some of the local brands appear to capture their own niches by projecting themselves as "Islamic" brands via their creative packaging and labeling. This also indirectly signals to their primary target, which is the Muslim consumer, the *halal* status of their products.

## **B. Recommendations**

Following is a series of recommendations to the consumers, to the food industries, and to the Muslim countries. These recommendations are meant to bridge the gap between the different groups (producers and consumers), so that they will live happily. These recommendations are also good for Muslim countries that are importing foods from every corner of the world. By knowing the true information, less frictions occurs, more transactions will take place, and business will flourish.

## **C. Recommendations**

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### **1. Consumers**

It is recommended that consumers should:<sup>132</sup>

- a. Read labels before buying the food products
- b. Read the ingredients on the food labels and understand the meaning of every ingredient.
- c. Read the expiration date of the foods.

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<sup>132</sup> Ahmad H. Sakr, *Understanding Halal Foods : Fallacies & Facts*, Lombard : 1996, p.

- d. Recognize the difference between food nutrients and food preservatives.
- e. Know the percentages of the nutrients in relation to the US RDA (Recommended Daily Allowance) and not to MDR (Minimum Daily Allowance).
- f. Know the sources of each ingredient as well as the sources of the food preservatives.
- g. Recognize that natural flavoring and colorings are better for health than synthetics, especially if the natural source is plant.
- h. Ask the food industries and bakeries about any ingredient or preservative that is doubtful.
- i. Consult specialists and references before jumping into a wrong conclusion.
- j. Muslims are to consult the Qur'an and hadith to know which items might be Haram (unlawful), Halal (lawful), Makrooh (objectionable), Mashbooh (suspected), recommended and the like.

## 2. Food Industries

It is recommended that food industries should:<sup>133</sup>

- a. Include on the labels all ingredients, additives, and especially preservatives, as well as the source (s) for every ingredient which is very helpful to the consumers.
- b. Offer special foods which are prepared according to Islamic Laws: devoid of any pork (meats and fats or its

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<sup>133</sup> *Ibid.*, p. 54



by products), and slaughtered in the name of Allah SWT (God) with a proper method. Special wording should be written on the label: "Halal" meat or "Zabiha" or "According to Islamic Laws", or even "Muslim Food".

- c. Give more information about these products from an Islamic perspective in both English and any of the following language: Arabic, Indonesian, or Malaysian, when exporting to the Muslim world.
- d. Recruit Muslim consultants for their advice from an Islamic perspective.

### **3. Muslim Community**

- a. As long as the Muslim community are importing foods and food product from non-Muslim countries, they have a responsibility to inform the food producers about the rules and regulations in Islam regarding various foods.
- b. The Chambers of Commerce in Muslim country should keep in touch with every food exporter and importer for the same purpose.

### **4. Government**

- a. The Departments of Commerce in Indonesia should pass along the information about Islam and foods to the Chamber of Commerce in Australian or every country exporting foods.
- b. The Departments of Commerce in Indonesia should recruit concerned Muslims whose specialties are in Food Sciences and Technology to seek their advice and recommendations.

- c. The Muslim governments should publish, in different languages, booklets, book, pamphlets, brochures, and other literature about Islam and foods.
- d. The Muslim embassies should be more involved in educating the exporting companies as well as the local Muslim about the Islamic requirements for Halal foods.
- e. The Indonesian country should be sponsor yearly conferences concerning Halal Foods. They should invite Muslim Scholars in these fields as well as Muslim scholars in Islamic Syariah. People from different industries should be invited so that they will be informed and be educated.





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