

Halal Status of Edible Products Based on Alcohol Content

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Abstract

Muslim consumers are increasingly concerned on reports highlighted in the media that certain halal products was suspected to be non halal. This paper is an attempt to discuss the differences between naturally produced alcohol, the industrial alcohol/ethanol, and the standard halal limit according to Islamic legal ruling based from selected countries' rulings affiliated with MABIMS (Menteri-menteri agama Brunei Darussalam, Indonesia, Malaysia dan Singapura). To accomplish the objective, this paper will mainly use qualitative approach specifically documentaries studies, in the form of books and journal. In addition to that, this paper will also use interview as one of its methods. Findings shown that there are two types of alcohol in product, firstly is the naturally produced alcohol and secondly is the industrial ethanol/alcohol. Furthermore, these two types have distinct rulings whereby the former is permissible with specific limit, and for the latter is impermissible. It is vital to emphasize the need to increase the awareness among Muslim consumers particularly on

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doubtful products to make them more confident in their daily diet.

Keywords: Alcohol; Brunei Darussalam; Fatwa; Halal; Khamr.

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Abstrak

Pengguna Muslim semakin prihatin terhadap laporan yang dilaporkan di media bahawa terdapat sesetengah produk halal yang tertentu disyaki tidak halal. Kertas kerja ini adalah percubaan untuk membincangkan perbezaan antara alkohol yang dihasilkan secara semula jadi, alkohol industri/etanol, dan had halal standard mengikut peraturan perundangan Islam berdasarkan peraturan negara terpilih yang berafiliasi dengan MABIMS (Menteri-Menteri Agama Brunei Darussalam, Indonesia, Malaysia dan Singapura). Untuk mencapai objektif, kertas kerja ini akan menggunakan pendekatan kualitatif khususnya kajian dokumentari, dalam bentuk buku dan jurnal. Selain itu juga akan menggunakan temu bual sebagai salah satu kaedahnya. Hasil kajian menunjukkan bahawa terdapat dua jenis alkohol di dalam produk, pertama adalah alkohol yang dihasilkan secara semula jadi dan kedua adalah etanol/alkohol industri. Selanjutnya, kedua jenis ini mempunyai ketetapan yang berbeza di mana jenis yang pertama dibenarkan dengan had

tertentu, dan jenis yang kedua tidak boleh diterima. Penting untuk menekankan perlunya meningkatkan kesedaran di kalangan pengguna Muslim terutama mengenai produk yang diragukan agar mereka lebih yakin dengan permakanan harian mereka.

Kata Kunci: Alkohol; Brunei Darussalam; Fatwa; Halal; Khamr.

Introduction

The growing number of Muslim populations across the globe, had seen an increase in market demands for food and beverages. According to Thomson Reuters, in collaboration with DinarStandard, Muslim population had spent US\$1.3 trillion and by 2023 it is expected to increase to US\$1.9 trillion (Reuters, T., 2018). This can be inferred that the demand for halal markets are increasing due to the growth of Muslim population. This open up the opportunity for industry players by both Muslim and non-Muslim to grab their chances in participating in a potentially profitable market. However, with the increase participation by varied organisations which may be Muslim or not, had created doubtfulness in terms of the halal integrity of the products. However, the halal issue which will be discussed here is on the topic of alcohol.

Before diving into the issue of alcohol content in products, alcohol present in end products, may affect the halal status of that particular processed food and beverages. It is equally

important to know the relation between alcohol and *khamr*. *Khamr* is a term mentioned in several verses in the Holy Qur'an and the statement made by the Almighty to avoid *khamr* as it is harmful and later prohibited and regarded as a sin.

The objective of this paper is to firstly differentiate the distinct differences of two types of applied alcohol in halal industry: naturally produced alcohol and industrial alcohol. Secondly, to determine the Islamic ruling of using alcohol in food and drinks.

To reach the objective of this paper a qualitative approach will be adopted. Data collection will be done mainly using documentary studies from related secondary sources. In addition to that, data will also be collected through a face-to-face interview with Brunei Fatwa Division which aims to clarify the State's view on the usages of alcohol in food and drinks industry.

This paper will clarify the issue of alcohol in the context of food and manufactured halal products. Naturally produced alcohol are part of the biological process, in the form of flavours and parts of intrinsic characteristics of agricultural produce, such as certain sugar alcohols and flavours or volatiles, or from traditional natural fermentation. Non-naturally produced alcohol/ industrial alcohol (throughout this paper will be refer to added alcohol) in food products and drinks. Additionally, Brunei's fatwa and standard pertaining to the issue of alcohol found in food products, for

example fermented glutinous rice (*tapai*), which is commonly consumed in Brunei Darussalam.

Misconception on the term of *khamr* and alcohol

According to Hashim (2010), the misunderstanding to include alcohol within the meaning of *khamr* (intoxicating alcoholic beverage) is due to the incorrect translation of *khamr* to alcohol from Arabic to English language. If the term alcohol is included within the scope of *khamr*, thus it can be inferred that it is prohibited, regardless of the amount or the intention behind its production. This was made clear by Jamaluddin et al. (2011), where the author had explained about the relation between alcohol and *khamr* according to the Islamic perspective. The author had clearly distinguished that not all types of alcohol is prohibited and in comparison to *khamr* where *khamr* is explicitly forbidden in the Qur'an and Hadith. This means that alcohol does not equally mean *khamr*. Furthermore, according to Ghani & Ismail (2010), the general public, academia and religious scholars may be confused on the definitions of alcohol and permissibility of usage that depend on the diverse types of alcohol for edible consumption or non-food usage. This paper will highlight the correct terminologies of alcohol, the context and meanings of alcohol, with clarity in relationship to the sources, functions and halal status.

***Khamr* in Al-Qur'an and Hadith**

Al-khamr means, the substance which is an intoxicant, or a process that bring consequence of being intoxicating or sedated. To begin with, it is well established that *khamr* is prohibited in Al-Qur'an and Hadith, which are the primary sources of Islamic law. There is clear indication of its prohibition from the referred verses of al-Qur'an and Hadith that will discuss below.

It is also vital to comprehend and being familiar with the stages that led to the prohibition of *khamr* in Al-Quran so as to know which event come first and to avoid being misled by any argument made using the following Qur'anic verses. The three stages of prohibition in Al-Qur'an; the first stage, is only the cautionary made by Allah SWT for believers to avoid from *khamr* by emphasizing the harm of *khamr*:

"يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا"

"*They ask you (O Muhammad) concerning khamr and gambling. Say: "In them is a great sin, and (some) benefits for men, but the sin of them is greater than their benefit."* (Al-Baqarah (2): 219)

This verse was revealed to Prophet Muhammad when a *sahabah* 'Umar once said: "O Allah! Give us a clear ruling

regarding *khamr*!". This was recorded by Imam Ahmad from Abu Maysarah.

The second stage is the prohibition to perform the prayer while in the state of being intoxicated. In the same Hadith as above, 'Umar was then summoned and verse 219 of Surah Al-Baqarah was recited to him. But he still said: "O Allah, give us a clear ruling regarding *Al-Khamr*." Then verse 43 of Surah An-Nisa' was revealed:

"يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا
تَقُولُونَ....."

*"O you who believe! Do not approach
prayer while you are intoxicated until you
know what you are saying..." (An-Nisa' (4):
43)*

Lastly in the third stage, the consumption of *khamr* have been completely prohibited, when Allah had revealed in surah Al-Ma'idah verse 90-91:

"يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْهَامُ رِجْسٌ مِّنْ
عَمَلِ الشَّيْطَانِ فَأَجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (٩٠) إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ
يُوَفِّعَ بَيْنَكُمْ الْعَدُوَّةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ
اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ (٩١)"

“O you have believed, indeed, intoxicants, gambling, (sacrificing on) stone alters (to other than Allah) and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful. Satan only wants to cause between you animosity and hatred through intoxicants and gambling and to avert you from the remembrance of Allah and from prayer. So will you not desist?” (Al-Ma’idah (5): 90-91)

The stages above had concurred due to certain events happening and thus these Quranic verses were revealed. In the first event, it occurred in Madinah Al-Munawwarrah and the Prophet (PBUH) was asked by the Madinah’s people on the status of *khamr* and gambling. This then led to the revelation of Surah Al-Baqarah verse 219, where in this verse, Allah SWT had emphasized that the sins of *khamr* and gambling are greater than their benefits. Subsequently after this revelation, the people had the thinking that Allah had only laid out the sin and benefit of *khamr* and gambling but it was not prohibited to them. Thus they continue drinking until one day, one of the emigrants led his companions in the Maghrib prayer and mixed up the verses of Surah Al-Kafirun. He incorrectly recited, where the meaning, ‘Say, ‘O disbelievers! I do not worship that which you worship, but we worship that which you worship.’ The correct wording is, ‘Say, “O disbelievers! I do not worship what you worship. Nor are you worshippers of what I worship.” (Al-Kafirun (109): 1-3). Afterwards, Allah SWT sent down a firmer

statement in the forms of the revelation of verse 43 of surah An-Nisa' where this verse prohibits Muslims to perform prayer in the state of being intoxicated until they know what they said (Abdul-Rahman, 2007). After the revelation of this verse, the people then would not drink prior to the time of the prayer so that they would attend the prayer while sober. This eventually led to a stronger statement sent by Allah SWT in the form of surah Al-Ma'idah verse 90-91.

In the view of most common people's perception, the term alcohol was understood to mean *khamr*. However, both terms are in fact different from each other. This confusion came from the misunderstanding where if *khamr* is *haram*, then the main ingredients in *khamr*, which are alcohol, are also *haram*. Still, we have to differentiate the two distinct meanings and rulings. Where *khamr* is unanimously acknowledged to be prohibited to be consumed, this does not necessarily impose a mandatory statement that alcohol is always *haram*, thus the rulings are situational and based on the context of usage or presence. This is because not all types of alcohol had intoxicating properties whilst some had varying levels of percentage that can induce the intoxicating feeling, which is one of the reasons why *khamr* is prohibited. Understanding the differences between the two terms can enable a person to properly identify the rulings of both terms and can make their own decision with confidence in choosing their own food intake.

1. *Khamr* and alcohol

As was discussed in the previous section, both alcohol and *khamr* was presumed by most people to mean the same according to previous study. Thus, it is vital to differentiate the meaning of both terms as this is closely related to the ruling of *khamr* and alcohol. By having strong foundation, in terms of distinguishing both terms, it will greatly assist in understanding the ruling of *khamr*, alcohol and enable to grasp the ruling of contemporary halal issue related to alcohol, for instance, in the use of alcohol in food and drinks. This part will be discussing on the definition and Islamic rulings of *khamr* and alcohol.

1.1 *Khamr*

1.1.1 Definition

Khamr is a term derived from an Arabic verb *khamara* which is understood to mean “to shroud” or “to cloud”.¹ This term is relevant for the reason that if someone were to drink a substance, which is considered as *khamr*, his mind will be clouded and he will not be able to make a comprehensible thinking and speech. In other words, he loses his ability to make coherent speech and action due to intoxication. According to *jumhur ulama*, the term *khamr* refers to any substance that can intoxicate the mind and it can affect the drinker’s ability to make good decision and to properly act.

¹ _____. (6th April 2011). ‘*Islamic Terminology*’. [on-line] Retrieved on: 29th September, 2019; at: <https://islamic-dictionary.tumblr.com/tagged/disease>

This is in line with the Hadith of Prophet Muhammad (PBUH) where Muslim recorded that Ibn 'Umar said that the Prophet had once said:

((من شرب الخمر في الدنيا فلم يَتُب منها، حرمها في الآخرة فلم يسقها))

*"Whoever drinks Khamr in this world and does not repent from it, will be denied it in the Hereafter and he will not be given it to drink"*²

Therefore, this term generally defines all types of intoxicant, regardless of the name it was known and brand it took, to fall under the meaning and in the prohibited category of *khamr*. Implication wise intoxicants or *khamr* are not only restricted to alcoholic drinks, but may also cover other vapour substances or solids/powders/drugs which may not be necessarily alcohols, but other abused substances recreational drugs and medicinal opioids/anaesthetics, depending on the intention of usage.

1.1.2 Islamic legal rulings

Khamr had been unanimously accepted by all Muslim jurist as *haram* and prohibited, which the doer will be sinned and punished by Allah SWT in the hereafter. It is also reported that for those who consume *khamr* one's supplication (du'a) will be rejected as long as the *khamr* is still present in one's

² Muslim, Muslim ibn Hajjaj Al-Nisaburi. (2007). *English Translation of Sahih Muslim*. Imam Abul Hussain Muslim bin Al-Hajjaj (comp.). Nasiruddin Al-Khattab (trans.). Riyadh: Dar-us-Salam. Book of Drinks. Vol. 5. p. 354. Hadith no. 5223.

stomach and that person will not be accepted to enter heaven. These orders are stated in the Qur'an and the thorough explanation in narrations of hadith.³

1.2 Alcohol

1.2.1 Definition

Alcohol may be understood by major part of the general consumers to mean all kinds of intoxicating beverages. However, this is only defined from one perspective, which is the layman's general understanding. From the chemistry point of view, it is a group of organic compounds characterised by one or more hydroxyl (-OH) functional group. In addition to that, there is a different classification of alcohol, for example ethanol and methanol, which are the most known and used alcohol for food and non-food purposes. Both covers different area, such as in pharmaceuticals, fuels and also to facilitate in the process of sterilizing and disinfecting hospital instrument, besides being used to produce alcoholic beverage.⁴ It is also important to note that not all types of alcohol can lead to intoxication and this mean that not every alcohol can be considered as prohibited, depending on the process involved, and the classifications of end products that consist of food and beverages, representing edibles, and non-food items, such as cosmetics and pharmaceuticals.

³ The prohibition of *khamr* in the Qur'an can be referred to the previous section 'Khamr in Al-Qur'an and hadith'.

⁴ Britannica Online Encyclopaedia. (n.d.p). 'Alcohol'. [on-line] retrieved on: 10th July, 2019; at: <https://www.britannica.com/science/alcohol>

To clarify on the commonly mislead understanding of intoxication of alcohol, related to intoxication, there are several main concerns, based on definition of intoxicants.

- 1- Intoxicating from alcohol, due to the exceeded limit of alcohol in the blood stream of humans that lead towards loss of sobriety, common sense and the sensible faculties of clear faculties of the senses especially rational thinking, from consumption of hard liquor.
- 2- Excess level of alcohol that result in alcohol poisoning, detrimental to the brains, of females, children, foetus, from the pregnant mother, or prolonged habitual alcohol addiction that result in cirrhosis of the liver.
- 3- Status of *hokum* on acceptable usage of alcohol, based from consumers goods industries such as the food industry, pharmaceutical, cosmetics and other non-food usage.
- 4- Differences between denatured alcohol, which are toxic, versus food grade alcohol which are edible, and widely used in food and beverages.
- 5- Determining what kind of intoxicating definitions, that is toxic negatively impact the *Maqasid Syariah* (loss of life and health, or cause disability of progeny, due to brain damage of babies from alcoholic addicted pregnant mothers, or liver damage from cirrhosis due to alcohol addiction that lead to cancer).

- 6- Intoxicants that result in loss of consciousness and sensibility.
- 7- Intoxicant in the shariah perspective, of *najis*, status, haram, *shubhah* and halal, which may relate to the intention of usage, *istihalah*, and sources of alcohol from nature. For instant, will a female consumer, who used an alcoholic toner as astringent on the face, nullify her current status of ablution, if alcohol is indeed *najis* or haram? Will a health worker, who used a sanitizer of certain percentage of alcohol, in hospital, to disinfect certain body parts involved in ablution, cause the status of purity of the ablution to be compromised?
- 8- Certain commonly confused terminologies associated with halal, haram or *shubhah*, related to food products, such as propylene glycol which may substitute haram alcohol, but may have issues of toxicity, isopropyl ethanol, denatured alcohol, industrial alcohol, and manufactured alcohol.

1.2.2 Islamic legal rulings

The leaders of the four Islamic schools (Hanafi, Maliki, Shafi'e and Hanbali) are undisputed in their opinion that alcohol which was sourced from strong drinks/intoxicants is *najis* (filth or impure) because of the resemblance of the '*illah*' or reason, that is both intoxicates. If something is deemed as *najis* then it is prohibited for Muslim to consume. However, their opinion is only referring to alcohol which came from alcoholic beverage, such as 'Beer' and the likes,

but it does not cover on the permissibility of alcohol which did not originated from alcoholic beverage.

1.2.3 Purpose of its usage

The main two purposes of pure alcohol in products are to be used as a solvent and raw materials. For solvent, it is used to dissolve organic compound which is insoluble in water (Clark, 2003). Furthermore, can be used to extract certain flavouring chemicals from plants, such as vanilla flavouring from vanilla beans (Riaz & Chaudry, 2004). In terms of raw materials, alcohol is part of the mid and end product of fermentation of carbohydrate, starch or sugar based raw agricultural edible materials, used to convert it into many edible food and beverages, with acetic acid as part of the end product, or vinegar. It is unanimously declared and accepted on the permissibility of vinegar by Muslim scholars. This is due to the loss of important element, i.e. the element of intoxication, such as what appear in alcoholic drinks.

2. Halal status on alcohol in edible products

The usage of alcohol in edible products, whether it is prohibited (*haram*) or permissible (*harus*), is the most causal of confusion issues among Muslim consumers. To make it more applicable in the present time, a comparison between a naturally produce alcohol and industrial alcohol (will be refer as added alcohol) in terms of its *halal* status by referring to Brunei Darussalam state's fatwa.

2.1 Naturally produced alcohol

The production of alcohol in food can occur naturally by a process called fermentation. Fermentation is where chemical reaction take place when yeast, an organism which are needed for fermentation, reacts with food and drink that contains sugar. Thus, it is also possible to note that, even in fruits, it can also contain alcohol, as fruits have sugar and fermentation took place after the fruits became overripe due to yeast.⁵

2.1.1 Fermented Glutinous Rice (*Tapai*)

Tapai is widely known as one of the most popular traditional food in Brunei Darussalam and also a common fermented food in Asian Countries. *Tapai* can either be made with a white rice, glutinous rice or cassava tubor. *Tapai* has a sweet and sour taste with slight alcoholic flavour.⁶ In Malaysia, *tapai* is popular in the forms of *Tapai ubi* or *Tapai pulut*, whilst in Indonesia, *Tapai ketan* and many varieties of this types of food are the norms of local cuisines, consumed by Muslims as desserts. *Tuak*, or alcoholic drinks from *Tapai*, are popular in Gawai celebrations, especially for Brunei's neighbouring states of Sabah and Sarawak.

⁵ Encyclopedia. (n.d.p) *A History of Alcohol Use*. [on-line] Retrieved on: 6th September, 2019; at:

<https://www.encyclopedia.com/medicine/medical-magazines/history-alcohol-use>

⁶ Law, S., Abu Bakar, F., Mat Hashim, D., and Abdul Hamid, A. (2011) MiniReview Popular fermented foods and beverages in Southeast Asia. *International Food Research Journal* (18), 475-484.

Majority of people are less cautious when it comes to foods that are familiar for them, through tradition and culture or foods that they know are safely consumed by others. However, due to the increased awareness on halal status in food, people became aware on the existence of alcohol in *tapai* and this creates doubt on its status, whether it is permissible for them to consume or otherwise. To unravel this uncertainty, it is important to refer to the State's fatwa regarding this issue. According to Jabatan Mufti Brunei (2007), the presence of alcohol in *tapai* is natural as a result from fermentation process. In addition to that, this fatwa also emphasized on the alcohol content in the food whether it is below the level of intoxication or beyond it. If it is below the intoxication level, then it is halal and permissible to consume. To support this argument, they refer to *Ahadith* on the different level of processing *nabidz*⁷, in which stage it is deemed halal and when it is deemed haram for consumption due to the presence of intoxication:

“From Yahya bin ‘Ubaid, Abu Umar al-Bahraniy, he has said: I heard Ibnu Abbas say: “Usually nabidz (water sweetened with dates) is prepared for Rasulullah ﷺ in the beginning of the night and he would drink in the morning and the following night and the following day and the night after that up to ‘Asar. If anything was left

⁷*Nabidz* is a wine obtained from grains such as barley or from fruits such as dates by soaking such grains and fruits.

*out of that he gave it to his servant, or gave orders for it to be poured out.”*⁸

Al-Imam an-Nawawi, in explaining the above Hadith, said that the Hadith above is an indication that it is halal to drink *nabidz* as long as it has remained sweet, or in other words, there is no alterations to it and has not bubbled. The *ijma'* (consensus) of the Muslim scholars had also ruled this kind of drink as permissible.⁹

2.2 Added alcohol (Industrial ethanol)

Added alcohol or industrial ethanol is referring to food or drinks which are intentionally laced with alcohol, by intentionally adding any catalyst or enzyme to speed up the process (Jamaluddin, et al., 2011). This differs from previous part, which was produced naturally. To determine the rulings on this issue, the authors will refer to the opinion of Muslim scholars and State's fatwa to grasp the ruling and explanation behind this rule.

2.2.1 Soft drinks mixed with alcohol

A fatwa was issued pertaining to a question posed related to drinks mixed with alcohol after an analysis was made by the Scientific Services Laboratory, Ministry of Health, Brunei Darussalam.¹⁰ Based on the finding, all six drinks products

⁸ Muslim, Muslim ibn Hajjaj Al-Nisaburi. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam. Book of Drinks. Vol. 5. Pg. 354-5 Hadith no. 5226.

⁹ Sahih Muslim with Sharah an-Nawawi 7/195.

¹⁰ Fatwa Mufti Kerajaan. Siri 08/1999. 'Drinks mixed with Alcohol'

(Table 1) was found to contain different percentage of alcohol.

Table 1: Six drinks products contain different percentage of alcohol (adopted from Jabatan Mufti Brunei. (2007).

Sample	Result	Country of Origin Factory Manufacturer
Cherry Cider	Alcohol analysis – 4.8%	
Orange Crush	Alcohol analysis – 0.1%	
Cream Soda	Alcohol analysis – 8.7%	Labuan,
Pineapple	Alcohol analysis – 5.8%	Malaysia.
Lemon	Alcohol analysis – 6.4%	
Sarsaparilla	Alcohol analysis – 7.2%	

For this alcohol type, different halal certifying bodies have taken dissimilar view and stance in regards to its permissibility and usage, especially in food. The distinct

difference that can be point out is the diverse setting of alcohol percentage allowed in the final product of foods. They created their opinion based on the expert finding and view. However, for this, Brunei Darussalam has taken a more proactive stance on the issue of added alcohol, or otherwise known as industrial alcohol/ethanol, in processing halal food products (Ahmad, et al., 2014). For example, the use of alcohol in cordial drinks as stabiliser, where utilising ethanol for food processing is prohibited, regardless the production of ethanol was from synthetic or fermentation. According to Jabatan Mufti Brunei (2007) this type of drinks and food which contains this particular alcohol is considered as *najis*. This also means that all types of food and drinks product that are mixed with alcohol are prohibited for consumption or used in anyway. This was based on particular verse:

"O you have believed, indeed, intoxicants, gambling, (sacrificing on) stone alters (to other than Allah) and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."
(Al-Ma'idah (5): 90)

They also relied their justification based on *Hadith* of Prophet Muhammad (PBUH), where the translation is:

“All that intoxicates is khamr and all that intoxicates is (ruled) haram.”¹¹

From the above verse and Hadith, Muslim scholars then concurred and ruled that any drinks and food mixed with added alcohol (not naturally produced alcohol) as haram. This is because the alcohol contains in this food and drinks is the *khamr*.¹² As a result, all branded drinks (as was list out in Table 1), which was said to be deliberately laced with alcohol: Cherry cider (4.8%), Orange crush (0.1%), Cream soda 8.7%), Pineapple (5.8%), Lemon (6.4%) and Sarsaparilla (7.2%), are prohibited for consumption and even though, the amount of alcohol is in small amount but it is still prohibited, because the presence of added alcohol in this drinks are deemed as *najis* and haram for Muslim consumption. This is also in conformance to a Hadith of Prophet Muhammad (PBUH), where the translation is:

“Everything that intoxicates when taken in large amounts is haram in small amounts.”¹³

¹¹ Muslim, Muslim ibn Hajjaj Al-Nisaburi. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam. Vol. 5, p. 353. Hadith no. 5219.

¹² Prof. Dr. Wabbah Az-Zuhaili. (2011). *Fiqih Islam Wa Adillatuhu*. p. 186.

¹³ Abu Dawud, Abu Dawud Sulaiman ibn Al-Ash'ath As-Sijistani. (2008). *English Translation of Sunan Abu Dawud*. Imam Hafiz Abu Dawud Sulaiman bin Ash'ath (comp.). Nasiruddin Al-Khattab (trans.). First Edition (ed.). Riyadh: Maktaba Dar-us-Salam. Vol. 4. Book of Drinks. p.225. Hadith no. 3681.

The practical implication is that, Islam's approach on the above Hadith, act as a precautionary action, to protect consumers from accidental cross contamination of alcohol, or deliberate intention of adding alcohol in edible products.

3. Brunei Darussalam standard in setting the halal limit of alcohol exist in products

It has been established that alcohol is not at the same footing with *khamr* and therefore it has different ruling than *khamr*, which is prohibited for consumption. However, there are different stance taken regarding the status and limit allowed for naturally produced alcohol and the addition of alcohol in products. Each certifying body in MABIMS, i.e. Malaysia, Singapore, Brunei Darussalam and Indonesia had agreed to allowed the presence of naturally produced alcohol. However, they had established varied limit in terms of halal limit for alcohol/ethanol allowed in food and beverages industry. The setting of halal limit originated from fatwa decreed and issued by respective fatwa council. The setting of halal limit is also varied according to the type of alcohol: the naturally produced alcohol and added alcohol. According to Hashim (2010), the eight countries, including Brunei Darussalam, he referred had set up their own halal limit for ethanol (alcohol) which have their own differences from each country. The study of Ahmad et al (2014), showed a comparison among Brunei, Indonesia, Malaysia and Singapore in terms of the permitted naturally produced alcohol and the added alcohol, where each country had established different limit for permitted alcohol in food and

beverages product by giving their justification to their chosen permitted limit (Table 2).

Table 2: The comparison in terms of *halâl* limit set for alcohol content for Brunei Darussalam, Malaysia, Indonesia and Singapore.

Country	Brunei	Malaysia	Indonesia	Singapore
Naturally produced alcohol	Allowed with condition it must be below the level of intoxication, no specific limitation on the <i>halal</i> limit is stated. ¹⁴	Permitted but it must be below 1%	Below 1%	Allowed but no specific limitation is stated.
Justification	According to Brunei's fatwa (Jabatan Mufti Brunei, 2007), the element of intoxication plays an important	According to the Fatwa National Council of Malaysia, if soft drink contains an alcohol which was produced naturally,	According to MUI, based on expert's findings that if fruit's juices are stored more than three	According to Majlis Ugama Islam Singapura (n.d.), it is permitted to use natural ethanol (alcohol) in food or drinks. However, this fatwa only

¹⁴ Interview with officers from State's Mufti Office on 13th February, 2020 at 9:30am-11:00 am.

role in determining the *halal* or haram in a product which contain the naturally produced alcohol. The ability to intoxicate in a product will change the permissibility to prohibit because the element of intoxication is deemed as *najis* (unclean and impure according to *shara'*).

which are not manufactured or processed with the intent to produce intoxicant, then it is permissible to be consumed.

days¹⁵, it will produce more than 1%. If any food or drinks contain more than 1%, it is automatically considered as intoxicants and have the same ruling as *khamr* and it is prohibited.

emphasized on using the ethanol as solvents in flavourings

**Added alcohol/
Industrial alcohol**

Not permitted and prohibited to be consumed, in other words, only	The final product must contain less than 0.5% of added alcohol and it must only	Allowed to add industrial alcohol in the food preparation or	Allowed industrial/added alcohol as a solvent, with conditions:
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¹⁵ Based on the Hadith of Prophet Muhammad SAW on the permissibility to consume *nabidz* within a period of time, i.e. less than three days.

**Halal Status of Edible Products
Based on Alcohol Content**

**Siti Nazerah binti A. Hanni
Zeiad Amjad Aghwan**

	allowed 0.00%.	be added during the manufacturi ng process.	processing. However, there should be no trace of added /industrial alcohol in the final products. The detection of this type of alcohol in final products will no longer be permitted and thus change automati- cally to prohibited.	i) Must contain less than 0.5% of alcohol in the flavouring. ii) Must contain no more than 0.1% in the final product which was added with flavouring (which contain industrial alcohol)
Justifi- cation	According to Brunei's fatwa, alcohol/etha nol which are produced from both processes, synthetic and fermentation , are not permitted to	According to Majlis Fatwa Kebangsaan, (1988) the use of industrial alcohol for the purpose of extracting and dissolving flavour is allowed.	According to Majelis Ugama Indonesia (MUI), the production of added alcohol is not from intoxicants and thus it is not considered	According to the fatwa of MUIS (Majlis Ugama Islam Singapura), industrial alcohol/ethanol extracted from fermenting process is not considered as <i>najis</i> if this alcohol is not extracted from intoxicants. As a result, it is

be consumed. The addition of industrial alcohol in edible products will make it as *najis* and prohibited. According to Jabatan Mufti Brunei, this type of products became *haram* because in the food or drinks that was added with industrial/added alcohol contains the molecules of *khamr* (intoxicants)

However, this type of alcohol must not originate from intoxicants and the quantity in the final product must be less; i.e. below 0.5%.

as *najis* (impure). For that reason, the addition of industrial alcohol in the food processing is allowed with the condition of no traces of it in the final products.¹⁶

permitted to use industrial/added alcohol as a solvent in Singapore with the condition this alcohol was not derived from any prohibited materials/sources. Based on their research, Fatwa Committee discovered that the ethanol content in food flavourings is less than 0.5%, which is not at the level of intoxicating. This fatwa also stresses on the permissibility of industrial alcohol on the manufacturing of flavours only (Majlis Ugama Islam Singapura, n.d.).

¹⁶ Ansharullah, M (2011). *Beralkohol tapi Halal (Menjawab Keraguan Tentang Alkohol dalam Masakan, Minuman, Obat dan Kosmetik)*. Sukoharjo: Pustaka Arafah.

3.1 Naturally produced alcohol in products

In Brunei Darussalam, by referring to the State's fatwa council, had permitted the consumption of alcohol that was produced naturally with the condition that it does not reach the level of intoxication, for example in the issue of *tapai*. However, when the intoxicant in the *tapai* disappears, the *tapai* is *halâl* for consumption. This is based on the *qiyâs* [analogical deduction] on an agreed-upon *hukm* on juices from fruits or grains, i.e. when kept for a certain period, these juices will start to bubble up (contain intoxicating elements). Later however, when this subsides and the juices turn into vinegar, it is *halâl* for consumption and deemed clean and pure, as long as the transformation to vinegar was natural (no additives) because it has ceased to intoxicate. It would be *harâm* to drink the fruit or grain juice while it was bubbling up and capable of intoxicating, and it is also deemed *najis* [impurity; unclean according to *shara*']. Once it ceases to be an intoxicant, it is no longer ruled as *najis* and the juice becomes clean and pure and *halâl* for consumption. The same applies to *tapai*, if it intoxicates, it is *harâm* but if it does not, then it is *halâl* for consumption.¹⁷ To conclude, based on the fatwa on the issue of *tapai*, the most important point that was highly emphasized in the halal-ness of food or drinks that contain naturally produced alcohol is the element of intoxication and its ability to intoxicate. This is because anything that can cause intoxication is deemed as *najis* (impure and unclean according to *sharia*'). Once an intoxicant had lost its ability

¹⁷ Jabatan Mufti Brunei. (2007). '*Issues on Halal Products*'. Brunei Darussalam: State Mufti's Office. pp. 15-21.

to intoxicate the ruling had then change from *najis* to pure and clean and halal for consumption.

3.2 Added alcohol in food and beverages

Another issue that spark the fatwa council's interest is the issue on the addition of alcohol, in food and drink. For instance, the addition of alcohol in cordials are used as a stabiliser. For this issue, countries such as Malaysia, Brunei Darussalam, Indonesia and Singapore had set different halal limit permitted for this type of alcohol to be present in food and beverages, with Brunei Darussalam only allowed 0.00% of alcohol in products, in other words, Brunei Darussalam had prohibited the addition of alcohol in edible products. In addition to that, the issue of using synthetic alcohol in food and drinks are also mentioned on the recent fatwa on the issue of synthetic alcohol used as solvents¹⁸. On the issue of using synthetic alcohol in food and drinks, it is not permitted and prohibited based on the principle of *sadd adz-dzara'i* (to close doors which led to evil). These include the act of cautiousness in dealing with matters related to food and drinks and also to stop any attempt in exploiting the usage of alcohol in food and drinks so as to not mislead the consumers in assuming there are types of alcohol which can be eaten or drunk.

¹⁸ Fatwa Mufti Kerajaan. Siri 10/2019. 'Alkohol Sintetik Sebagai Bahan Pelarut'.

Conclusion

Diversity of Laws and regulations, in accordance to one's Country's mandated civil and shariah laws, are in view of that particular communities' needs, and may best fulfil the local requirements, which are not necessarily the same, in other countries' requirements. By not being the same, it reflected on the acceptance and respect of differing country laws and ulama's fatwas. With the establishment of different halal certification bodies and the introduction of varying halal standard, there is still non-uniformity among Muslim scholars on the rulings of ethanol, while it is unanimously agreed by all scholars that intoxicant (*khamr*) is haram and considered as *najis* but it is not the same with ethanol even though in every *khamr* there is alcohol, as it is the main ingredient to cause it to become intoxicate. There are opinions that proposed the assistance of modern technology to trace the source of alcohol in edible products and can measure its level. In today's world with rapid development of technology and its widespread use will greatly help the scientific approach in determining the rulings of ethanol in food and drinks. This will also remove doubts lingering in any Muslims mind on matter related to the existence of alcohol in food and drinks. It is proposed for establishing a benchmark for permissible alcohol contents in foods and drinks. It is also important to note the need for training and the spread of awareness in halal matters, especially in matters pertaining to halal products.

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