

ISSUES OF HALAL PRODUCTS CONTAINING ALCOHOL CONCERNING REGULATIONS IN BRUNEI DARUSSALAM

Siti Nazerah A. Hanni/Zalanni* and Zeaid Amjad Aghwan

Halalan Thayyiban Research Centre, Universiti Islam Sultan Sharif Ali, Brunei Darussalam.

*zerahhanni@gmail.com

ABSTRACT

Alcohol is considered to be synonymous with intoxicant (*al-khamr*), which is strictly prohibited in Islam. However, this perception appears to be misleading as alcohol was also used as a common ingredient in the halal industry. This study aims to decipher the issues of halal products concerning regulations in Brunei Darussalam. The three objectives are: firstly, is to determine the meaning of *khamr*, alcohol and ethanol and also their application in the halal industry. Secondly, is to find out the issues about halal products containing alcohol. Thirdly, is to study halal regulation of Brunei Darussalam in matters related to the use of alcohol in products. To achieve the objectives, both qualitative and quantitative methods have been adopted for data collection. Data has been collected using primary data sources such as structured interviews and surveys, and also previous findings from the secondary source. Major findings revealed two important points on the issue of halal products containing alcohol. First of all, the analysis of a survey conducted on the issue of alcohol from 165 respondents, found that Muslim consumers in Brunei Darussalam are found to have a piece of excellent knowledge of the basic rulings of alcohol and *khamr*. However, they are found lacking in terms of the application of naturally produced and synthetic alcohol in the halal industry. Secondly, it was found there is a lack of global halal regulations among MABIMS countries in terms of determining the usage of alcohol in the halal industry. From further analysis, it can be deduced the source for this issue is due to 1) the methodology in issuing a *fatwa*, and 2) scientific-related reasons. To solve these issues, some suggestions are proposed which mainly involve the intensification of spreading awareness on halal issues to the public masses in Brunei Darussalam.

Keywords: Alcohol, Awareness, Halal Industry, *Khamr*, Regulation

1. Introduction

Generally, everything on earth is halal and permissible to be used and consumed by Muslims. However, there are certain restrictions to this general rule if there is a specific *nass* and *dalil* that prohibit the consumption and usage of a thing and substance. The boost and the potential of the halal industry, especially in food, non-food products and services had opened the room for both Muslim and non-Muslim industry players. This is because of the high demand by consumers due to the increase of the Muslim population worldwide. This can be seen from the Islamic Economy Report where from 1.8 billion Muslim consumers worldwide, Muslims had spent USD\$ 2.2 trillion in 2018 on sectors such as foods, pharmaceuticals, and others and these numbers are expected to rise to US\$3.2 trillion by 2024 as reported by the state of the Global Economy Report 2019/2020. However, the most imperative area in the halal sector is food because food is the sustenance that we, humans, cannot live without, and therefore further scrutiny is placed on this sector. This is proven by the State of Global Islamic Economy Report 2019-2020 (DinarStandard, 2019), where from 1.8 billion Muslims in 2018, they have spent USD 1,369 billion and this is expected to rise to 1,972 billion in 2024. The halal food sector had seen the highest number in comparison to other sectors due to the advanced technology and the growth in the halal hub. This is also one of the reasons that this research will only focus on the food sector.

Nowadays, the rapid development of the halal industry due to its huge potential profit to industry players also produces some halal issues and complications that need to be addressed for the benefit of Muslim consumers. An example is the usage of alcohol in products.

1.1 Problem Statements

The main issue about alcohol came from the confusion relating to understanding the meaning of *khamr* in the Qur'an, specifically stated in verses 90-91 of Surah Al-Ma'idah. Based on past literature, alcohol and *khamr* have a very close-knit relationship. This is due to the perception that all alcohol is haram due to the understanding that alcohol is only referring to intoxicants and alcoholic beverages. Every intoxicating drink contains alcohol. Nevertheless, not all types of alcohol can be considered intoxicants (*khamr*). In addition to that, the term ethanol was also added to the mix-up. Ethanol was usually the term used in referring to the ingredient in alcoholic beverages and products, as can be seen from past literature (Ahmad et al., 2014). However, the question now is whether alcohol and ethanol are the same or not. As alcohol and *khamr* have a close relationship, it further adds to the question of whether ethanol also has a connection to *khamr*. These questions will surely result in confusion among Muslim consumers as this would directly affect their food consumption. This is due to their obligation as Muslims to observe every intake to ensure the purity and validity of their worship to Allah SWT (Maidin, 2019). Thus, these three terms need to be made clear in terms of their meaning, ruling and also their application in the halal industry whose purpose is to eliminate the doubt they have regarding this matter. In addition to that, it can also build up their confidence in choosing their food.

The misconception in understanding *khamr* to mean alcohol creates a problem for Muslim consumers as it is indistinguishable to the naked eye between the alcohol content in the alcoholic beverage and the alcohol in other edible products. The reason can be sourced from the fact that alcohol was also used in the halal industry, such as a preservative, flavouring and solvent (Hammad, 2004). This led to the question of the extent of knowledge Muslim consumers have regarding alcohol. Determining their level of pieces of knowledge on the matter of alcohol will give an idea of which area needs to be improved to reduce misunderstandings about alcohol. Up to now, there is no studies have been conducted to measure the level of knowledge of Muslim consumers, focused in Brunei Darussalam, on the issue of alcohol in the halal industry.

According to a newspaper report (Koo, 2016), it was discovered that halal regulations on halal food in the global market have significant gaps, including in lack of unifying standards. Standards can be defined as a set of specifications that are implemented within an industry to allow compatibility between products' (The Free Dictionary, n.d). In other words, each country that has establishes its halal regulation has little or no similarity with other countries' halal regulations in terms of the standard set. The study of Pauzi (2016) in 'Analisis Perbandingan Penentuan Piawai Halal Antara Malaysia, Indonesia, Singapura dan Brunei' had listed the issues in relation to the different halal standards of the four countries (Malaysia, Indonesia, Singapore and Brunei). Some of the issues that can be identified and related to the lack of halal regulation are first, the issue of setting the halal limit of alcohol in products. Secondly is on the acceptability of applying the principle of *istihalah* in determining a ruling. The source of these problems needs to be studied to understand more why there are differences in halal standards between these four countries. The findings of the study later will probably be able to give an idea few ways to solve this problem that high possibly will not be possible for a person to do. The reason is that it requires all the parties involved in the halal industry, especially the halal certification body.

It is significant to address these issues in the lack of global halal regulation about alcohol. One of the main reasons is it creates confusion among Muslim consumers especially in choosing halal products. It is known that in the local market, there are lots of imported products which are labelled as halal by their respective halal certifying bodies. These certifying bodies had set halal standards which are dissimilar to Brunei's halal standard.

The increased number of people participating in halal industries means that halal regulations need to be established to ensure that halal integrity is maintained throughout the whole halal supply chain. In Brunei Darussalam, there are several halal regulations established to ensure the halal integrity of products. An example, is Brunei Darussalam Standard Halal Food PBD 24:2007. However, a study needs to be made on the Brunei Halal Regulations, particularly in the matter of alcohol to assess the sufficiency of these regulations in ensuring the halal integrity in products which contain alcohol.

2. Materials and methods

2.1 Research Objectives

In providing answers to the above problem statements, this study will fulfil the three objectives as mentioned below:

- 1) To clarify the meaning of *khamr*, alcohol and ethanol and their application in the halal industry.
- 2) To find out the issues about halal products containing alcohol.
- 3) To study halal regulation, halal standards, guidelines, and rules of Brunei Darussalam in matters related to the use of alcohol in products.

2.2 Research Methodology

This study will primarily apply a qualitative approach throughout the whole research but some parts will be applying a quantitative approach. For the qualitative method, the researcher will refer to relevant materials, in the form of books, dissertations and theses, research articles, journals and Mufti *fatwa*, which are related to the research topic. In addition to that researcher will also conduct a group interview with the State's Mufti office of Brunei Darussalam. This was done to achieve and fulfil the research objectives as was stated above, specifically in getting the responses and knowledge on Brunei's stances on the issues of halal product which contains alcohol.

For the quantitative aspect, a survey was conducted where the purpose of this survey was to measure the level of knowledge of consumer's understanding of the topic of alcohol as it can be identified that one of the issues of a halal product containing alcohol (second research objective) is the issue on the lack of consumer's understanding on alcohol. After the data collection in the survey was done, the data will be analysed, evaluated and substantiated with secondary sources of relevant information. The survey analysis will be done with the aid of Statistical Package for the Social Sciences 20 (SPSS 20) for its reliable analysis tool for analysing questionnaires.

3. Results and Discussion

This study will only emphasise the major findings, specifically, on the issue of halal products containing alcohol. Two main issues were identified as the issues of a halal product

containing alcohol. The first issue is the lack of consumers' understanding of alcohol. Secondly is the issue of the lack of global halal regulation about alcohol.

The first issue originated from the issue of the misunderstanding of the term *khamr* (intoxicants) with alcohol which was brought up by Hashim (2010) in his study. From the issue of the misunderstanding of the two terms, it led to the question of to what extent Muslim consumers know about matters related to alcohol. This will be evaluated through a survey conducted with respondents.

On the second issue, it was determined to be the main issue in the halal industry, i.e. the lack of global halal regulation. The thesis of Pauzi (2016) provided some important points, that will be highlighted in the following discussion on the issue of the lack of global halal regulation related to alcohol. The issues that will be discussed under this category will be broken down into two sections. Firstly, is the issue of the setting of the halal limit of alcohol. Secondly, the issue in determining the halal status of alcohol with the application of *istihalah*.

3.1 Lack of Consumers' Understandings of Alcohol

The 165 respondents had completed the survey that was conducted from 01 October 2019M to 01 November, 2019M. The respondents in this survey were collected through a random sampling method. To elaborate, it is where the researcher sent the survey to their contacts and then they will also spread this questionnaire to their contacts, specifically using snowball sampling. Snowball sampling is based on the analogy of a snowball which started with a small size but became bigger as it rolled on the wet snowy grounds. It is also referring to a multistage technique. This survey contains 33 variables which enquire about respondents' demography, their perception and attitudes to halal, halal certification, and government initiatives to promote halal. In addition to that, these questionnaires will also measure the respondent's perceptions of the terms alcohol and *khamr* and gauge their knowledge of the current issue about the usage of alcohol in the halal industry. Below will be the result of the survey, which will firstly discuss the respondents' knowledge of the basic rulings of *khamr* and alcohol. Finally, a discussion on the respondents' understandings of the permissibility of naturally produced alcohol will also be discussed.

3.1.1 Basic Rulings of *Khamr* and Alcohol

They are acknowledged to be familiar with the basic rulings of *khamr* and alcohol. This is in correspond to the survey result where 97.6% (161 respondents) had correctly answered the statement '*Khamr* is forbidden in Islam' and none had disagreed refer to **Table 1** below.

Table 1: Responses on '*khamr* is forbidden in Islam'

Survey question	Response	N	(%)	Level of knowledge (%)
SECTION C	Agree	161	97.6	
Q1. <i>Khamr</i> is forbidden in Islam.	Disagree	0	0	High (97.6)
	Not Sure	4	2.4	

The statement above on the familiarity of respondents on the basic rulings of alcohol is also supported by the findings where a total of 81.8% (135 respondents) had correctly answered on the ruling of alcohol in alcoholic beverages where they had agreed the prohibition of alcohol was due to being the main ingredients in an alcoholic beverage refer to the **Table 2** below.

Table 2: The frequency data on the ruling of alcohol in alcoholic beverage

Survey question	Response	N	(%)	Level of knowledge (%)
SECTION C	Agree	135	81.8	
Q3. Alcohol is prohibited because it is the main ingredient in alcoholic beverages (such as 'Beer')	Disagree	11	6.7	High (81.8)
	Not sure	19	11.5	

3.1.2 Permissibility of Naturally Produced Alcohol in Food

Despite the excellent knowledge of the basic rulings of alcohol and *khamr* (as explained above), the respondents are also found to be lacking in terms of knowledge of the permissibility of naturally produced alcohol in food. This can be seen, when only 33.9% (56 respondents) had correctly answered on the permissibility of naturally produced alcohol in products. While 32.1% (53 respondents) had disagreed with the permissibility of this type of alcohol and the rest, 33.9% (56 respondents) are answering 'not sure' (refer to **Table 3** below).

Table 3: Frequency data on the permissibility of consumables products containing natural alcohol

Survey question	Response	N	(%)	Level of knowledge (%)
SECTION C	Agree	56	33.9	
Q5. Consumables products which contain naturally produced alcohol, by undergoing the process of fermentation, will be permissible to be consumed if it is within the permitted limit	Disagree	53	32.1	Average (33.9)
	Not sure	56	33.9	

3.2 Lack of Global Halal Regulations (particularly among MABIMS countries) in Determining the Halal Status of Alcohol in Food.

MABIMS is referring to 'The Unofficial Meetings of Religious Ministers in Brunei Darussalam, Indonesia, Malaysia and Singapore, - an unofficial and non-binding collective body of the Malays-speaking world (or Nusantara's) Islamic religious ministers.' This section will firstly discuss the issue in the setting of the halal limit of alcohol in products. Then we will move forward to the second issue of the lack of global halal regulation about alcohol, i.e. the issue of determining the halal status of alcohol with the application of *istihalah*.

3.2.1 Halal Limit of Naturally Produced Alcohol and Synthetic Alcohol in Food and Drinks

This part will discuss the differences in the setting of the halal limit of naturally produced alcohol and synthetic alcohol in food and drinks by MABIMS countries.

(a) Naturally Produced Alcohol

Naturally produced alcohol in food and drinks is referring to the production of alcohol which occurred naturally with a process called fermentation. Fermentation is a process when yeast reacts with food and drinks which contains sugar.

Several studies, which they had primarily cited from the study of Hashim (2010), had highlighted and compared the differences these four countries have in respect to the halal limit for naturally produced alcohol and had interpreted the limit set by Brunei Darussalam for naturally produced alcohol in food as 2% (Jabatan Mufti Brunei, 1999). However, through the data collected from the researcher's interview with Brunei Fatwa Division (State's Mufti Office, 2020), they disagree with this interpretation as they firmly stated that

they did not give any specific limitation in terms of the percentage allowed (Hanni & Aghwan, 2020). The percentages (2%) stated in the fatwa was from experts' finding on the percentage of alcohol in 'Beer' which had to reach the level of intoxication (*khamr*) and only used as an illustration. Though, they agree that the fatwa had ruled that the permissibility of naturally produced alcohol is closely linked to the content of alcohol in the food whether it is below or beyond the intoxicating level, which below that level signifies the permissibility. In other words, Brunei Darussalam had set the halal limit of naturally produced alcohol to percentages that are below the level of intoxication.

While Malaysia, based on the 7th Muzakarah (Conference) of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia held on 11th – 12th April 1984 had discussed the ruling of alcohol from an Islamic point of view and they decided that alcohol which was produced as a by-product in food processing is not *najis* (ritually impure) and can be consumed. This was later emphasized at a later conference (14th – 16th July 2011) on the issue of “*Alkohol dalam Makanan, Minuman, Pewangi dan Ubat-Ubatan*” (Alcohol in food, drinks, perfume and medicine) where food and drinks which contain alcohol which was produced naturally in fruits, beans or grains or any other example similar to these, and also the alcohol which was produced as a by-product during food or drinks processing are ruled not *najis* and permissible to be eaten or drank. Another point pinpointed in this fatwa was the ruling of drinks which contain alcohol for the purpose not to be brewed as alcoholic drinks and have less than 1% v/v of alcohol been permissible to be consumed (Pejabat Mufti Wilayah Persekutuan, 2019). According to a study by Ahmad et al. (2014), this 1% is the halal limit set by Malaysia National Fatwa Committee for naturally produced alcohol in foods and drinks.

In Indonesia, any drinks which contain more than 1% of naturally produced alcohol were automatically ruled as *khamr* and prohibited based on the Fatwa Committee of Majelis Ulama Indonesia (MUI) (Ansharullah, 2011). This was due to the Committee's observation that juices from fruits which was stored for more than three days contained more than 1% of alcohol content (Ansharullah, 2011).

There is an official fatwa statement on the Majlis Ugama Islam Singapura (MUIS)'s website related to the issue of 'Natural Ethanol in halal food flavouring' (Majlis Ugama Islam Singapura, n.d) where it clearly showed the permissibility of natural ethanol (alcohol) in food. However, in terms of the halal limit of natural alcohol was not specified.

Below is Table 4 consisting of the summary of the halal limit of alcohol as set by Brunei, Malaysia, Indonesia and Singapore and their justifications.

Table 4: Summary of the halal limit of natural alcohol allowed in food and drinks by MABIMS

Country	Naturally produced alcohol	Justification
Brunei Darussalam	Allowed with the condition it must be below the level of intoxication, no specific limitation on the halal limit is stated (The officers from State's Mufti Office, 2020).	According to Brunei's fatwa (Jabatan Mufti Brunei, 2007), the element of intoxication plays an important role in determining the halal or haram in a product which contains the naturally produced alcohol. The ability to intoxicate in a product will change the permissibility to prohibited because the element of intoxication is deemed as <i>najis</i> (unclean and impure according to <i>shara'</i>).
Malaysia	Permitted but it must be below 1%	According to the Fatwa National Council of Malaysia, if a soft drink contains alcohol which was produced naturally, which is not manufactured or processed with the intent to produce an intoxicant, then it is permissible to be consumed.

Indonesia	Below 1%	According to MUI, based on expert findings that if fruit juices are stored for more than three days, they will produce more than 1%. If any food or drink contains more than 1%, it is automatically considered an intoxicant and has the same ruling as <i>khamr</i> and it is prohibited.
Singapore	Allowed but no specific limitation is stated.	According to the official Majlis Ugama Islam Singapura (MUIS) website (Majlis Ugama Islam Singapura, n.d), it is permitted to use natural ethanol (alcohol) in food or drinks. However, this fatwa only emphasized using ethanol as solvents in flavourings.

(b) Synthetic Alcohol

Synthetic alcohol or also known as industrial alcohol is another type of alcohol where it was produced by a chemical synthesis process. Generally, the use of synthetic alcohol is not allowed not because it is linked to impurity (*najis*) but because of the characteristic of synthetic alcohol which is poisonous to the human body and can also lead to death (Jabatan Mufti Brunei, 1999).

For the issue of setting the halal limit for synthetic alcohol in edible products, all four countries (Malaysia, Brunei Darussalam, Indonesia and Singapore) had set a different halal limit for synthetic alcohol which is based on their justification.

On the issue of the usage and halal limit of synthetic alcohol in Brunei Darussalam, by the fatwa of Brunei Darussalam on 'Synthetic alcohol as solvents' (Jabatan Mufti Brunei, 1999), it was ruled as permissible and pure (not *najis*) if it was not created or produced from intoxicants (*khamr*). However, this permissibility is only limited to external use and it is prohibited to be used for internal purposes due to its poisonous characteristic. Despite that statement, according to the same fatwa, synthetic alcohol may be used as a solvent in production with some conditions to be followed. Firstly, synthetic alcohol can only be used as a solvent as part of the production and not as an ingredient in products. Secondly, the final product must not contain any traces of synthetic alcohol. The failure to abide by these conditions will make the general principle takes place, i.e. not allowed and not permitted for consumption.

Countries such as Malaysia, Indonesia and Singapore allowed the use of added and synthetic alcohol in food and drinks. However, their permissibility is stipulated by several conditions such as there must be only a certain amount of excess alcohol left in the final products. If the final product contains more than stipulated, then it is prohibited and has the same ruling as *khamr*, which is *najis* and not permitted to be used or consumed in any way shown in **Table 5**.

Table 5: Summary of the halal limit of added/synthetic alcohol allowed in MABIMS

Country	Added alcohol/ Industrial alcohol	Justification
Brunei Darussalam	Not permitted and prohibited to be consumed or used. However, the synthetic alcohol may be used only as a solvent with the condition there are no traces of it in the final products. In other words, only allowed 0.00%.	According to Brunei's fatwa, alcohol/ethanol which is produced from both processes, synthetic and fermentation, is not permitted to be consumed. The addition of industrial alcohol in edible products will make it as <i>najis</i> and prohibited. According to Jabatan Mufti Brunei, this type of product became <i>haram</i> because in the food or drinks that were added with industrial/added alcohol contains the molecules of <i>khamr</i> (intoxicants). Nevertheless, using synthetic alcohol as solvent is permitted with the condition it is

		not used as one of the product's ingredients. Another condition is that it must not be traced in the end product (Jabatan Mufti Brunei, 2019).
Malaysia	The final product must contain less than 0.5% of added alcohol and it must only be added during the manufacturing process.	According to Malaysia National Fatwa Council Majlis Fatwa Kebangsaan Malaysia, 1988), the use of industrial alcohol to extract and dissolve flavour is allowed. However, this type of alcohol must not be originated from intoxicants and the quantity in the final product must be less; i.e. below 0.5%.
Indonesia	Allowed to add industrial alcohol in the food preparation or 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 automatically to prohibited.	According to Majelis Ulama Indonesia (MUI), the production of added alcohol is not from intoxicants and thus it is not considered <i>najis</i> (impure). For that reason, the addition of industrial alcohol in food processing is allowed with the condition of no traces of it in the final products (Ansharullah, 2011).
Singapore	Allowed industrial/added alcohol as a solvent, with conditions: 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 contains industrial alcohol)	According to the fatwa of MUIS (Majlis Ulama Islam Singapura), industrial alcohol/ethanol extracted from fermenting process is not considered <i>najis</i> if this alcohol is not extracted from intoxicants. As a result, it is 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 intoxicating. This fatwa also stresses the permissibility of industrial alcohol in the manufacturing of flavours only (Majlis Ulama Islam Singapura, n.d).

3.3 The Acceptability of *Istihalah* in Determining Halal Status in Products

The principle of *istihalah* was used as a purification method (Mahaiyadin & Osman, 2017). For instance, the change from liquor (impure state) to vinegar (pure state). The latter stage is thus accepted as halal by applying the principle of *istihalah*. The reason why *istihalah* is proposed to be applied can be broken down into several factors (Pauzi, 2016). Firstly, is because of the intricate mixing of ingredients in manufacturing a product. Secondly is due to the rapid development of technology. The advanced technology in present times provides convenience that was not seen in the past. This also brought up new issues as nowadays technology helps to create ways to manufacture products. This is usually done by intricate mixing of ingredients, for example by using gelatine sourced from animal fats and using by-products of alcohol. *Istihalah* which was understood to mean the change of a state to another state will benefit from the assistance of technology to confirm the hypothesis that the change had taken place. For instance, using machines to ascertain the level of alcohol in a product will provide the answer to whether it may cause drunkenness or not (Jamaluddin & Ramli, 2012).

We can refer to the study of Kashim et.al. (2015) in 'Principles regarding the Use of Haram (Forbidden) Sources in Food Processing: A Critical Islamic Analysis' for the definition of *istihalah*, where the authors had defined *istihalah* by referring to its original word, which is an Arabic word, which derived from the word (حَال) which means 'change'. It also means the perpetual transformation from one to another. According to another study

by Zuhayli (1997) in *'Tafsir al-Munir'*, *istihalah* means something impure that changes by itself or through any process into pure substance. From the definition above, it can be understood that *istihalah* is referring to the process of impure to the pure substance by changing its physical and chemical states until the former physical characteristics cannot be detected anymore. A common example of *istihalah* is the change from liquor (*khamr*) to vinegar.

Generally, all Muslim scholars (Imam Hanafi, Imam Malik, Imam Shafi'i and Imam Ahmad ibn Hanbal) accept the application of *istihalah*, specifically on permitting vinegar that was naturally converted from liquor and the skin of animals (except dog and swine) which undergone tanning (*samak*) (Mahaiyadin, 2017). However, Hanafiyyah and Malikiyyah broadened the application of *istihalah* where an impure substance can become pure, either it undergoes natural or synthetic transformation (Taymiyyah, 2005). Synthetic transformation is referring to the conversion of a state by the human intervention and manipulation by adding a certain substance to it (Jahangir et al., 2016).

The three countries (Brunei Darussalam, Malaysia and Singapore) excluding Indonesia agreed not to use the principle of *istihalah* in their methodology to issue a fatwa. One of the reasons for this view is because all three countries are strictly following Shafi'i Sect, which is strictly not open to applying *istihalah* except in certain cases only. This is in contrast with the view of the Hanafi and Maliki Sect (Pauzi, 2016), which are more flexible in their application. For instance, on the issue of wine vinegar¹. Indonesia had permitted the use of wine vinegar with the application of *istihalah*. Their justification for this can be seen in their fatwa, where it stated that 'Vinegar derived from *khamr* either occurs by itself or through engineering, the ruling is halal and pure' (Fatwa Majelis Ulama Indonesia, 2003).

According to the fatwa above, vinegar that was produced from intoxicants (*khamr*), either from natural causes or by intentionally adding some substances into it, is considered halal and pure. From this explanation, not only do they permit the natural conversion from intoxicant to vinegar but they also allowed the conversion that was non-natural (by adding some substances into it and thus forcing the changes).

Brunei, Malaysia and Singapore who followed the opinion of the Shafi'i sect will not be agreeable to allowing wine vinegar. The reason is that according to the view of the Shafi'i sect, the only circumstance where the application of *istihalah* is applicable is when the intoxicants had naturally converted to vinegar. In other words, there is no intentional adding of substances to force the conversion (Zuhayli, 1997). There was a formal fatwa issued by Malaysia on this issue in Selangor State Fatwa Committee Meeting (*Mesyuarat Jawatankuasa Fatwa Negeri Selangor*) (Jawatankuasa Fatwa Negeri Selangor, 2006):

"It is unlawful (haram) to use wine vinegar which is under processing or mixed with other substances (an adulteration). However, if the conversion from wine vinegar to vinegar happens naturally, so it is permissible (halal)."

This fatwa is clear in their explanation where it is prohibited to use wine vinegar or the likes which were processed and mixed with other external substances. This fatwa also emphasized

¹ Wine vinegar was commonly made from red or white wine. It was usually produced for commercial use. This would mean there are some involvement with modern machineries to produce an appropriate number to be distributed commercially. In other words, the production of wine vinegar was done with the adding of some substances (forcing the transformation) to enable for producing a large amount of it in short period of time to cater the consumer needs.

that if the transformation from wine vinegar to vinegar happened by itself (naturally and with no human intervention) then the *hukm* is halal.

Despite there being no fatwa issued on wine vinegar by the respective fatwa council from Brunei and Singapore, however, their stance in adhering to the Shafi'i sect view is clear. Thus, it can be inferred that they did not allow or permit the use of wine vinegar because there is no natural transformation from wine to vinegar.

Having a detailed and comprehensive understanding of the principle of *istihalah* is crucial especially if it will be used as a principle in determining the haram or halal of a product. Incorrect and insufficient knowledge of *istihalah* will result in inappropriate results. For instance, the change of name of a product from one to another does not sufficiently prove that there is a complete transformation from haram to halal. To illustrate, the use of porcine and its derivatives to produce butter or cheese does not legitimate the use of *istihalah*. Using the principle of *istihalah* should not be taken into granted as this will affect the Muslim consumer's dietary and religious obligation. Proper guidelines of *istihalah* should be laid down if it is imminent to apply the principle of *istihalah*. It should be emphasized that there are other halal sources in this world available to all diversity of populations. Muslim dominant population countries may not require the application of *istihalah* as there is the availability of other halal sources products. However, this is different with a minority of Muslim populations in countries such as Korea, Japan and Russia (Mahaiyadin & Osman, 2017).

From the above discussion, we can see that there is a reluctance to adopt the principle of *istihalah* and one of the main reasons is that these countries, did not want to apply the principle of *istihalah*, are adhering to and following the opinions of Shafi'i and Hanbali sect. For instance, Brunei Darussalam was known to be strictly adhering to Shafi'i sect opinions.

4. Conclusion

There is a need to distinguish a clear distinction between *khamr* (intoxicants), alcohol, and ethanol in terms of their definitions, legal rulings, and their application in the halal industry. Lack of understanding will lead to confusion, particularly among Muslim consumers. There are two notable issues in matters related to halal products containing alcohol: 1) lacking in terms of the application of naturally produced alcohol and synthetic alcohol in the halal industry among respondents, based on the survey conducted, and 2) lack of global regulations among MABIMS countries in terms of determining the usage of alcohol in the halal industry. Among the existing halal standards, guidelines, and rules of Brunei Darussalam, one particular halal standard, i.e., Standard on Halal Food PBD 24:2007, had explained the guidelines in matters related to products containing alcohol. Having a clear guideline in matters related to the usage of alcohol in halal products will help to clear the confusion, especially among food manufacturers. However, based on analysis, it can be found that this standard had some weaknesses and strengths in terms of matter related to alcohol. The weaknesses that can be seen are in terms of the lack of explicit definition and the type of *najis* the alcohol belonged to. To reduce the issues of halal products containing alcohol, it is recommended an intensification of awareness on halal issues be conducted. Government should contemplate intensifying the efforts in spreading awareness on halal issues. This should not only cover the basic fundamental topic such as the importance of halal to Muslims but also cover the topic of contemporary halal issues faced in today's world, for instance, the application of alcohol in halal products.

References

- Ahmad, A. N., Yang, T. A., Hani, N. M., & Abdullah, W. N. (2014). Alkohol dalam Makanan: Fatwa Semasa di Rantau Asia Tenggara. *Ulum Islamiyyah Journal*, 14.
- Ansharullah, M (2011). *Beralkohol tapi Halal (Menjawab Keraguan Tentang Alkohol dalam Masakan, Minuman, Obat dan Kosmetik)*. Sukoharjo: Pustaka Arafah.
- DinarStandard in partnership with Salaam Gateway. (2019). *2019/2020 State of the Global Islamic Economy Report*. Dubai: Salaam Gateway.
- Hammad, N. Basri bin Ibrahim Al-Hasani Al-Azhari (Trans.). Noraine Abu (Ed.) (2004). *Penggunaan Bahan-Bahan Yang Haram & Najis Dalam Makanan & Ubat-Ubatan*. Kuala Lumpur: Al-Hidayah Publishers.
- Hanni, S.N. & Aghwan, Z.A. (2020). Halal Status of Edible Products Based on Alcohol Content. *Ar-Ra'iq*, 3, 1, pp. 1-32.
- Hashim, D.M. (2010) 'Unravelling the Issue of Alcohol for the Halal Industry.' Retrieved on: 5th September 2018, from: [http://hdcglobal.com/upload-web/cms-editor-files/b08c8a04-c946-4ebe-99b9-2492bd32fcfc/file/11\)%20En%20Dzulkifli%20Mat%20Hashim%20-%20WHR2010_Unraveling%20the%20Issue%20of%20Alcohol_Final.pdf](http://hdcglobal.com/upload-web/cms-editor-files/b08c8a04-c946-4ebe-99b9-2492bd32fcfc/file/11)%20En%20Dzulkifli%20Mat%20Hashim%20-%20WHR2010_Unraveling%20the%20Issue%20of%20Alcohol_Final.pdf); Anis Najiha Ahmad. (2014). 'Alkohol dalam makanan.' *Ulum Islamiyyah Journal*.
- Jabatan Mufti Brunei. (2007). *Issues on Halal Products: Compilation of State Mufti's Fatwa on Issues on Halal Products 1994 - 2006*. Brunei Darussalam: State Mufti's Office.
- Jabatan Mufti Brunei. Siri 10/2019. 'Alkohol Sintetik Sebagai Bahan Pelarut'.
- Jahangir, M., Mehmood, Z., Saifullah, Bashir, Q., Mehboob, F., & Ali, K. (2016). Halal Status of Ingredients after Istihalah. *Trends in Food Science & Technology*.
- Jamaluddin, M.A & Ramli, M.A. (2012). Aplikasi Istihalah dalam Produk Berasaskan Alkohol: Satu Pendekatan Integratif. *ISRIS Conference 2012*, University of Malaya.
- Jawatankuasa Fatwa Negeri Selangor. (June 26-27, 2006). Hukum Wine Vinegar (Cuka Wain). Retrieved from: <https://www.muftiselangor.gov.my/fatwa-personalisation/fatwa-tahunan/keputusan-fatwa-xwarta/2006/726-hukum-wine-vinegar-cuka-wain> [date of accessed: 17/09/2020]
- Kashim, M.I.A.M., Majid L.A., Adnan, A.H.M., Husni, A.M., Nasohah, Z., Samsudim, M.A & Yahaya, M.Z. (2015). Principles regarding the Use of Haram (Forbidden) Sources in Food Processing: A Critical Islamic Analysis. *Asian Social Science*, 11, 22.
- Khalek, A. (2015). "Determinants Influencing Halal Food Consumption Among Generation Y Muslims In Malaysian Private Universities". Ph.D. Dissertation, Academy of Islamic Studies, University of Malaya
- Mahaiyadin, M.H., & Osman, M.R. (2017). Kesan Penerimaan Aplikasi Istihalah Terhadap Hukum Produk yang Mengandungi Derivatif Muharramat. *Journal Fatwa Management and Research*, 10.
- Maidin, J. (2019). Meningkatkan Kelestarian Hab Halal: Sumbangan Fatwa Mufti Kerajaan Negara Brunei Darussalam. *4th International Seminar Halalan thayyiban Products and Services*: Pusat Penyelidikan Halalan Thayyiban, UNISSA.
- Majlis Fatwa Kebangsaan Malaysia. (1988). *Alkohol Sebagai Penstabil Minuman Ringan*. Retrieved from: <http://www.al-ahkam.net/home/content/majlis-fatwa-kebangsaan-koleksi-fatwa-berkaitan-alkohol-dalam-makanan-dll> [date of access: 14/02/2020]
- Majlis Ugama Islam Singapura. (n.d). *Natural Ethanol in Halal Food Flavouring*. Retrieved from <https://www.muis.gov.sg/officeofthemufti/Fatwa/English-Ethanol> [date of access: 14/02/2020]
- Mohamad, N.M. (2011). "Penggunaan Alkohol Dalam Pemakanan Menurut Perspektif Syarak". M.A Thesis, University of Malaya.

- Pauzi, N. (2016). "Analisis Perbandingan Penentuan Piawai Halal Antara Malaysia, Indonesia, Singapura, Dan Brunei". Ph.D. Dissertation, University of Malaya.
- Pejabat Mufti Wilayah Persekutuan. (2019 February 08). Irsyad Al-Fatwa Siri Ke-290: Hukum Pewarna Makanan 20 Peratus Alkohol. Retrieved: <https://muftiwp.gov.my/artikel/irsyad-fatwa/irsyad-fatwa-umum/3097-irsyad-al-fatwa-siri-ke-290-hukum-pewarna-makanan-20-peratus-alkohol> [date of access: 08/03/2020]
- Shen, K.J. (2016, June 8). Global Halal Food Lacks Unifying Standards: Report. The Brunei Times Retrieved September 25, 2020, from <https://www.thejakartapost.com/seasia/2016/06/08/global-halal-food-lacks-unifying-standards-report.html>
- Taymiyyah. (2005). *Majmu'ah al-Fatawa Ibn al-Taymiyyah*. 3rd Edition (ed.) n.pl: Dar al-Wafa'.
- The Free Dictionary. (n.d). Standard. Retrieved from: <https://www.thefreedictionary.com/standard> [date of access: 25/09/2020]
- Al-Zuhayli, W. (1997). *Al-Fiqh al-Islami wa Adillatuh*. Beirut: Dar al-Fikr al-Mu'asir. Vol. 1.