

HALAL POLICY IN BRUNEI DARUSSALAM

Noryati Haji Ibrahim

Department of Syariah Affairs, Ministry of Religious Affairs, Brunei Darussalam.
noryati.ibrahim@mora.gov.bn

ABSTRACT

Consumption of Halal is the commandment of Allah SWT as explained in the Quran and Sunnah, which aims to preserve the *Maslahah* of the people in accordance with the principles of *Maqasid Shariah*. Therefore, Allah SWT prohibits certain types of food simply because of the harm it causes to humans physically, mentally, spiritually and morally. In Brunei Darussalam, halal matters control and monitoring are highly emphasized. This can be seen in various contexts, especially in the *titah* or proclamations of His Majesty the Sultan and Yang Di Pertuan Negara Brunei Darussalam who repeatedly asserted the control of halal products and goods in this country is guaranteed and Shariah-compliant. In addition, in the context of Negara Brunei Darussalam as an Islamic country and the adoption of the Concept of Malay Islamic Monarchy (MIB) as a national policy also demonstrates the importance of halal in the country. The enforcement of two halal legislation further strengthens the halal control efforts as well as the role of other legislation governing the safety and quality of food.

Keywords: *Allah's Command, Royal Titah, Halal Authorities, Halal Laws, Halal Spirits*

1. Introduction

Consuming halal is one of the commandments of Allah to Muslims. Not only that, the Maqasid Shariah in halal food consumption underpinned the sanctity and religious beliefs, ensuring the safety of life; the purity and sanity of mind; the honour and dignity of humanity as well as the wealth. As mentioned in the Holy Quran, all foods are halal except those that are specifically mentioned as haram such as carrion, blood, the flesh of swine, animals slaughtered in the name other than Allah's, and intoxicants. This has been affirmed in Surah al-Maidah, verse 3, which reads:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخَيْزُرِيِّ وَمَا أَهَلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ
وَالْمُتْرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَامِ

“Forbidden to you are carrion, blood, and swine; what is slaughtered in the name of any other than Allah; what is killed by strangling, beating, a fall, or by being gored to death; what is partly eaten by a predator unless you slaughter it; and what is sacrificed on altars.”

Tafsir al-Quran by Ibnu Kathir has defined “halal” as “something good that brought benefits for body and religion, and what was being haram is something bad that brought disadvantages and danger for body and religion.” Additionally, the Prophet PBUH has warned Muslims of the danger of consuming Haram as it will result in retributions both in this world and in the hereafter as in his saying:

“Hell is more fitting for all flesh which has grown out of what is haram.”

This further has been reflected in Imam Sadiq's sayings, “Nobody eats carrion, but he becomes feeble and has no offspring; the one who eats pork may die unexpectedly.” Many scientific types of research have proven the harm of Haram foods. For instance, the stomach

cannot make fresh blood out of carrion, while carrion is also the centre of various microbes. Nevertheless, in this modern world, not all can be proven through scientific evidence, but as Muslims, Allah's command should not be questioned but to be accepted whole-heartedly as an act of piety. Halal does not only concern Muslims, but also non-Muslims because the halal concept entails other elements such as quality, hygiene and food safety. The halal concept is used widely in all aspects of life including food and non-food products, and services.

Brunei Darussalam has a population of 459, 500 and Muslims make up almost 80 percent of its population. In Brunei, Islam is the official religion, following the Syafi'i School of Jurisprudence. The adoption of the 'Malay Islamic Monarchy' Concept or *Melayu Islam Beraja* (MIB) as its national policy, which is believed to have been a part of the Brunei national heritage and culture since the first Sultan, shaped Brunei into what it is today. Hence, Islam is practised as a complete, perfect and ideal way of life. This includes the choices of halal products. Accordingly, several *titah* or proclamations are confirming His Majesty the Sultan's vision of Islam and its application in Brunei from as early as 1979. To quote an example of the prominent *titah* or proclamation of His Majesty the Sultan that highlights His Majesty's conviction that Shariah is compatible with modern life as follows:

"The present world will witness a more extensive application of Islamic law as a comprehensive and complete way of life in all aspects of life. And it is precisely on this basis that Brunei Darussalam is currently actively moving towards the Islamization of its laws."

As a country that upholds the Islamic Religion and the Shariah law, the Government plays an important role in ensuring that all food and beverages distributed and sold in the market are guaranteed of its halal-ness. Therefore, the Government has introduced two legislations known as Halal Meat Act, CAP 183 (HMA) and Halal Certificate and Halal Label, 2005 (HCHLO). These two legislations were the most important mechanisms for dealing with halal matters in Brunei. They are based on the sources of Syaria law, aiming for a more systematic administration of Muslim affairs relating to Halal certification and further protecting their *Maslahah*. As compared to other ASEAN countries, Brunei has adopted relatively a more stringent approach through centralized Halal law. Apart from this, Public Health (Food) Act, Chapter 182 and Wholesome Meat Order 2011 also play a role in controlling food safety and quality.

2. Halal Authorities in Brunei Darussalam

The Islamic Religious Council of Brunei or *Majlis Ugama Islam Brunei* (MUIB) is the ruling body that was established per section 5 of the Islamic Religious Council and Kadhi Courts Act, Chapter 77. MUIB has the most authority to advise and guide His Majesty the Sultan in making and formulating Shariah law in the country. This has been declared in the Constitution of Brunei which states as follows:

"For the purpose of this Article, His Majesty the Sultan may, after consultation with the MUIB, but not necessarily in accordance with the advice of that Council, make laws in respect of matters relating to the Islamic Religion."

The Ministry of Religious Affairs also has a major role in the implementation of the Halal Certification System in Brunei Darussalam through the Department of Syaria Affairs. The main function of the said Department is to manage MUIB's Halal certification process and its administration to assist MUIB in its decision to approve. For this purpose, several

appointments have been made to the Director of Syariah Affairs Department as a chairman of several Halal committees established under governing Halal laws in which other government agencies were also appointed to examine and scrutinize all Halal certification applications for consideration to obtain MUIB approval. Furthermore, a special agency was created known as the Halal Food Control Division or *Bahagian Kawalan Makanan Halal* (BKMh) to help MUIB deal with Halal affairs on the enforcement aspect. It is His Majesty the Sultan's aspiration to form a special agent or body for controlling and monitoring food and goods sold in the country to ensure they are halal guaranteed. This agency was placed under Syariah Affairs Department in the Ministry of Religious Affairs.

Under HMA and HCHLO, BKMh has been invested with a relatively bigger scope of power which includes auditing, inspecting, monitoring and most enforcement activities such as entering suspected premises, confiscating prohibited goods, investigating and arresting without depending on any other agency. In terms of auditing, BKMh was empowered to carry out inspections covering all aspects: documentation, processing, ingredients, handling and distribution, tools and equipment, storage, displaying and serving, hygiene and sanitation, packaging and labelling, and premises, in which their auditing result will help the Halal Committees and MUIB in their decision. Ultimately, this agency shoulder huge responsibility to ensure halal matters in Brunei Darussalam are well managed up to the desired standards following the stipulated law and MUIB's Halal policy

3. Applicable Laws on Halal in Brunei Darussalam

It is MUIB's objective that all food produced and served in Brunei Darussalam is halal, in line with the vision of His Majesty the Sultan in terms of the adherence to Syariah's imposition of Halal, especially with food sold to the public for it is a command from Allah SWT. To achieve this, MUIB has introduced the Halal Certification System through two important legislations namely the Halal Meat Act, Chapter 183 and Halal Certificate and Halal Label Order, 2005, to govern all halal-related matters in the country.

HMA and its subsidiary legislation (Halal Meat Act Rules 1999) came into force on 17th September 1998, mainly to regulate the importation, slaughtering, distribution and sale of halal meat in Brunei Darussalam. The Act also provides provisions for the powers and duties of relevant Halal authorities, the procedures for various applications such as Halal Import Permit for Halal meat importers, licenses for local Halal meat suppliers, Slaughterer Certificates for local slaughterhouses, including prescribed fees for such applications, as well as provisions on halal related offences and prescribed penalties.

Essentially, no Halal meat importation and supply is allowed in Brunei Darussalam without relevant authorities' approval including MUIB. As regards importation purposes, slaughterhouses must be recognized by MUIB before import. In doing so, a specific Halal Committee known as the Inspection Committee comprising a group of various Government agencies namely MUIB, State Mufti Department, Syariah Affairs Department and Agriculture Department will be sent abroad to conduct a thorough inspection to ascertain the exporting slaughterhouses have met *Syara'* requirement and Brunei Darussalam desired standard. It is also important to note that the policy on the importation of halal meat in Brunei Darussalam is rather stringent in that all slaughtering activities abroad must be physically witnessed by two Bruneian MUIB-appointed officers for every importation. This mandatory requirement might be seen as a burden, particularly to importers but it is highly critical when it comes to ensuring and maintaining the halal assurance of such meats, as most Halal meat exporters are from non-Muslim countries. Other general requirements applicable to importers and local suppliers are that they must be Muslim; they must display MUIB Halal

logo on the meats and many more. Since 1999, a total of 26 local slaughterhouses were granted Halal certification. MUIB also has recognized 40 foreign slaughterhouses in Malaysia, Australia, Indonesia and India.

HCHLO on the other hand is legislation to regulate Halal certification-related matters for food premises, products and services. HCHLO was gazetted on 28th May 2005 and only came into force about 3 years after i.e. on 1st August 2008. HCHLO underwent several amendments and the most recent was in 2020. There are 2 types of Halal certification in Brunei Darussalam namely a Halal certificate and a Halal permit. Halal certification is used to certify businesses in food preparation such as restaurants, cafes, food courts etc. and businesses providing services including warehousing, retailing and transportation, whereas Halal permit is for businesses producing products locally or abroad. With Halal permit would enable companies to use MUIB Halal labels on their products. In 2017, a significant milestone in the Halal Certification System in Brunei Darussalam where the application for a Halal certificate and Halal permit are made mandatory for all local food businesses operating in Brunei Darussalam. This new policy does not apply to food products manufactured outside Brunei Darussalam, but yet, a Halal permit can still be obtained voluntarily. To provide 'ease of doing business to local SMEs (Small Medium-sized enterprises), a new prescribed fee for Halal permit under HCHLO was revised in 2020 with about a 90 percent reduction from \$50 to as low as \$5 per product. A fee for bigger and multinational enterprises was also updated based on the number of employees that the company has.

In addition to the HCHLO, several important references have also been made in the implementation of the Halal Certification System in Brunei Darussalam, such as the following: Requirements for Halal Certificate and Halal Permit; Conditions for Halal Certificate and Halal Permit; BCG Halal 1 – Brunei Guidelines for Halal Certification; BCG Halal 2 – Brunei Guidelines for Compliance Audit; BCG Halal 3 – Brunei Guidelines for Halal Auditors; BCG Halal 4 – Brunei Guidelines for Halal Monitoring Audit; PBD 24:2007 - Halal Food; PBD 26:2015 - Guidelines for the Manufacture and Operation of Halal Cosmetic Products Brunei Darussalam; and GD 24:2010 - Guidelines for the Manufacture and Operation of Medical Products, Traditional Medicines and Halal Health Supplements of Brunei Darussalam.

At present, the number of companies that were granted Halal certification has been increasing significantly every year, especially when the mandatory application was imposed in 2017. Hence, a total number of 2005 Halal certificates and 9240 Halal permits have been issued to 376 local companies for over 12 years from 2008 to 2020. In terms of foreign companies, MUIB has granted a total of 405 Halal permits to 29 international companies.

Apart from HMA and HCHLO, the Public Health (Food) Act, Chapter 182 is legislation that empowers the Ministry of Health on labelling, hygiene practices and food safety. The objective of this Act is mainly to protect the public from any element that would harm human health and fraud in the preparation, sale and consumption of food or any matter connected therewith. As far as halal matters are concerned, this Act could also be seen as a measure to control halal issues in terms of hygiene, purity, health and quality of food that conform to the concept of *halalan tayyiban*. Accordingly, it could be noted that the Wholesome Meat Order, 2001 also meets the characteristics of *halalan tayyiban*, in the aspect of livestock and disease control where Brunei Darussalam Food Authority has a role in ensuring the safety of the slaughterhouses as well as meat whether imported or locally supplied in the country is safe for public consumption.

4. Conclusion

Islam outlines complete guidelines and rules in all aspects of life especially daily related matters, most importantly food. All the guidelines have been explained in the Quran and Sunnah and detailed by our prominent scholars. The basic principle of *halal haram* matters is that Halal is good and brings *maslahah* or benefit, while Haram is bad and harmful. The mere prohibition of some foods such as pigs, carcasses, blood and liquor is to protect the five basic human needs (Maqasid Shariah) namely religion, life, mind, lineage, and property as these foods were scientifically and medically proven for bringing harm to people who consumes them. It has a negative impact on one's spirituality, emotions and behaviour, and could even be end thrown in the hellfire.

Therefore, the control and monitoring of Halal-related matters in Brunei Darussalam particularly if entails public interest is true of high necessity that the government has to take responsibility on. Accordingly, repeated calls have been made by His Majesty the Sultan that urge the relevant government authorities to take seriously of Halal status of food and goods sold in the market and to bring its conformity by the command of Allah SWT in the Quran and Sunnah.

One may perceive that Halal certification is more of a business in nature, but it should be understood that the principles of Shariah remain at the core. Therefore, the implementation of Halal certification in this country should not be merely based on the standards and procedures established in the form of documents, but also on the need to put the value of Shariah and Halal spirits to all parties involved especially the Government agencies of His Majesty who are entrusted to protect the *maslahah* of the Muslim community in Brunei Darussalam towards halal. However, this should not heavily rely on the authorities, business operators need also to be mindful of the importance of understanding the concept of *halal haram* in their business dealings at all stages of the production of their products. In addition, Muslim consumers should also be responsible for what they consume and what they use and consequently realise the positive or negative impact it may cause to themselves on morale, health and faith. Ultimately, the concern of all parties in this matter will save Muslim *Ummah* from falling into taking or consuming non-halal or *shubhah* products.

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