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Halal Legislation Enforcement of Food Premises in Malaysia

Nor Aina Mardhiah Nazim**

ainadhiah95@gmail.com

Syarifah Md Yusof (Corresponding Author)**

syarifah@uum.edu.my

**Islamic Business School, Universiti Utara Malaysia
06010 Sintok, Kedah, Malaysia

Abstract:

Halal Certification provides an opportunity for food premise operators to prove that the food provided complies with the laws set in Malaysia. Although there are laws and regulations related to halal implementation, the misuse of halal logos such as halal logos forgery, misuse of Islamic images, and using expired certificates still arises within the industry. This study's goal is to shed light on Malaysia's legal guidelines for halal food premises and halal enforcement. This study applies a qualitative approach while the data is collected through content analysis. The content analysis has been carried out involving a few provisions of law and official documents related to halal enforcement of food premises. Those documents are the Malaysian Halal Certification Procedure Manual 2020, Trade Descriptions Act 2011, Food Act 1983, and Local Government Act 1976. The finding of this study shows that Halal enforcement in Malaysia is based on multiple provisions, regulation, and act as there is no halal-specific act governing halal certification matters. This has led to ineffective enforcement as JAKIM and JAIN have limited power to perform halal enforcement, especially towards the misused of the halal logo, deceiving or misleading Muslim consumers with Quranic verses and halal self-claim. As a result, halal issues have not been properly handled and solved. To have a deeper understanding of halal enforcement, it is advised that the future study examine other relevant aspects of Malaysian law and regulation governing halal topics. Additionally, the researcher may investigate the operators of food premises' knowledge of halal enforcement, including their knowledge

of raw materials, and their understanding of the penalties for breaking the law.

Keywords: Act, food premises, halal enforcement, Halal Certification

1. Introduction

Halal food is crucial to Muslim consumers as it is a part of the Islamic way of life. Consuming halal food guarantees purity, quality, and cleanliness. Therefore, some consumers tend to choose food premises that have Halal certification over those that do not. This statement is supported by Ahmed, Najmi, Faizan & Ahmed (2018), even though Halal Certification is not compulsory for food premises, getting Halal Certification provides halal quality have a distinct advantage in attracting more customers, particularly Muslim customers. They are more interested in buying food and products that have been halal-certified with a halal logo. Aziz and Chok (2013) stated that it is reported that Muslims and non-Muslims prefer to purchase halal-certified products. The demand from Muslim consumers, according to Arifin et al. (2019), motivates food operators to apply for Halal Certification.

Halal is an Arabic word (halla, yahillu, hillan, halalan) that translates to mean "legal or permissible by Islamic law" As Malaysian Halal Certification is concerned, the word halal is referred to as

"something allowed and permissible according to the fiqh ruling and fatwa." (MPPHM, 2020). Therefore, the state of halal for consumption should follow the current resolution of the fatwa. Meanwhile, haram is the antithesis of halal. Haram is the Arabic word for things that Muslims are not allowed to ingest or consume (Nasohah & Mokhtar, 2015). Gunardi et al. (2022) explained that the status of halal may turn into haram because of the difference in situation, place, and time.

Meanwhile, according to a study by Arif and Sidek (2015), the concept of halal does not limit to the impurity of ingredients and raw materials, but it should not neglect the objectives of Shariah which is to preserve religion, life, intellect, lineage, and property. Consuming halal food is regarded as obeying the commandment of Allah and therefore preserving religion (Gunardi et al., 2022). In contrast, consuming haram food is opposed to preserving religion (Mohd Kashim, Wan Zaharudin & Abd Mutalib, 2021). Part of that, haram food such as alcohol is bad for human health as well as the mind. Therefore, Halal certification is very important as it helps the consumer to ascertain which product is halal and permissible to them.

However, there is an irresponsible attitude of operators who mislead consumers by using fake halal logos, displaying Islamic images, or using expired halal certificates. The findings of a study by Afifi and Salleh (2018) explained that there are entrepreneurs who make forgeries in halal markings, such as forgeries of the halal logo, hygiene issues, and ingredient issues. The issue of misuse of the halal logo occurred at a famous restaurant in Georgetown, Penang. It was compounded by Penang Municipal Council after displaying the halal logo without permission from JAKIM (Malaysiakini, 12 February 2019). Zulzaidi (2011) found that

the issue of forgery, misuse, and misappropriation of halal logos also arises among entrepreneurs who have obtained Halal Certification. For instance when a business introduces a new product, it purposefully adds the halal logo even though the product name is not listed in the Halal Certification.

In the context of broader monitoring, Mohd Riza et al. (2022) highlighted the issue of imported meat cartels reflected the weaknesses in the implementation of halal monitoring. The imported meat cartel issue was discovered when inspections found the meat storage warehouse involved in repackaging the smuggled meats used falsified halal mark labels., Omar et al. (2022) suggested that meat control procedures should be re-evaluated as the enforcement of trade in halal products located under various agencies has created conflicts in monitoring procedures.

In addition, there is no agreement among scholars regarding the need for a specific halal act. For some scholars, no specific provision or halal act as a reference to the enforcement of halal law becomes a challenge. This halal act requires giving direct authority to JAKIM to monitor and take law enforcement action when it comes to halal (Syed Ager, 2019; Buang & Mahmood, 2012; Badarulzaman et al., 2016). The power to monitor and enforce laws related to the use of halal logos lies with KPDNHEP. JAKIM officers are only involved in enforcement through appointments made by the ministry as Trade Affairs Assistants. However, a study by Mohd Shahwahid et al. (2015) holds the opposite view. According to him, there is no need for the existence of a halal act specifically as the existing act has been adequate in addressing problems with the halal industry. There is no urgent need to enact a special law related to halal.

According to the Food Act 1983, the definition of "food premises" is "premises used in connection with the preparation, preservation, packaging, storage, delivery, distribution, or sale of any food or re-labeling, reprocessing, or repair of any food." Additionally, the term "food premises" refers to any permanent or temporary building or structure used for the preparation, serving, or sale of any food, including cafeterias, bakeries, pastry shops, fast food chains, franchise restaurants, canteens, kiosks, catering services, hotel kitchens, and more.

A Malaysian Halal Certification (MHC) is a legal certification issued by competent authorities that certifies a good or service is halal according to the MHC scheme (Othman, Md Shaarani & Bahron, 2016). The MHC scheme is divided into nine categories, including food and beverage products, cosmetics, pharmaceuticals, food premises, consumer goods products, logistics services, slaughterhouses, contract manufacturing/OEM, and medical device products, under the Malaysian Halal Certification Procedure Manual published in 2020.

According to the Malaysian Halal Certification Procedure Manual 2020, food premises are divided into nine types, which are restaurants, canteens and cafes, chain restaurants, franchise restaurants, hotels (kitchens and restaurants), food courts, cafeterias, kiosks, catering, mobile premises (there is a central kitchen only) and bakeries or cake and pastry shops. There is a need for halal compliance through the creation of internal halal committees, halal executives, Muslim supervisors, or Muslim employees. Not all forms of food premises are required to meet the stated requirements. In general, the premises are required to have Muslim employees who are citizens and have permanent positions. Similarly, companies that manufacture consumer goods, cosmetics and toiletries, pharmaceuticals,

abattoirs, and logistics each have their requirements that need to be implemented to meet stated needs.

The halal logo could be put on a product or the applicant's food premises if the applicant has received halal certification from an authority. This Halal Certification, which is based on the fiqh ruling, intends to give Muslim buyers peace of mind regarding a product's halal status, whether it be food or non-food. Additionally, this Halal Certification aims to satisfy the cultural demands of customers for secure, high-quality, and wholesome goods.

Halal Certification issued is subject to the guidelines and standards set by the certificate issuing body, namely JAKIM. Applicants or entrepreneurs who plan to obtain Halal Certification must comply with the guidelines set by the parties. If the applicant or entrepreneur does not comply with these standards, then the application process for Halal Certification will be disrupted, and the Halal Certification that has already been received could be revoked (Buang & Mahmood, 2013).

Currently, MHC is voluntary and open to all applicants regardless of religious or racial status. Only applicants who meet the conditions and comply with all prescribed procedures are eligible for the MHC. Only eligible applicants will be given MHC and permission to use the halal logo on products and services specified in MHC (Ngah, Mohamad & Rosli, 2017).

Therefore, the goals of this research are to study halal enforcement execution, investigate the type of halal offences and explain the punishment or fine for halal offences. This research overview will show the legal provisions related to food premises and halal enforcement in Malaysia. This paper is divided into four major sections, which include this introduction. An overview of the literature on halal food premises and Halal

Certification is included at the beginning. The methodology is expanded upon in Section 2. The analyses carried out on the data gathered for this study are presented, explained, and the results are discussed in Section 3. This study's conclusions are provided in Section 4, along with some limitations and suggestions for future study.

2. Methodology

This study applies a qualitative approach to the data collected through content analysis. There are four documents used, which are the Malaysian Halal Certification Procedure Manual 2020 (MPPHM 2020), Trade Description Act 2011 (TDA 2011), Food Act 1983, and Local Government Act 1976 (LGA 1976). Selection of MPPHM 2020 because it is the basis for all Malaysian Halal Certification Schemes. In addition, TDA 2011 is legislation that gives jurisdiction to JAKIM and JAIN in the implementation of halal-related matters. To clarify, the food

premise scheme requires compliance with the requirements of MS1500: 2019 Halal Food-General Requirement, Food Act 1983, Food Regulations 1985, Food Hygiene Regulations 2009, as well as other recent legislation and regulations that are enforced by the relevant authorities. In addition, the justification for the use of LGA 1976 in document analysis is that it has provisions related to the licensing of food premises and the cleanliness of food premises.

According to Zhang and Wildermuth (2009), the process of qualitative content collection and analysis have involved eight important steps in content analysis namely: data preparation, determination of the unit of analysis, constructing themes and categories, testing coding schemes through text examples, text coding, coding consistency values, conclusions from coded data, and method reports and results.

Table 1. Content analysis process

No	Content analysis process	Explanation
1	Prepare the Data	Select documents related to the halal enforcement of food premises, namely MPPHM 2020, TDA 2011, LGA 1976 and Food Act 1983
2	Determination of unit of analysis	Focus on halal enforcement and food premises
3	Build themes and categories scheme	Generate an initial list of coding categories from a model or theory. In addition, it is possible to modify models or theories in the process of analysis as new categories emerge inductively (Miles & Huberman, 1994)
4	Test the coding scheme through sample text	Code the data. After the data is encoded the consistency of the encoding should be checked. Checking coding consistency, and reviewing coding rules is an iterative process and should be continued until adequate coding consistency is achieved

5	Code all the text	When sufficient consistency has been achieved, encoding rules can be applied to the entire text, checking the encoding repeatedly
6	Evaluate coding consistency	After encoding the data, the researcher needs to check the consistency of the coding.
7	Conclusions from the coded data	Summary of data coding, identifying themes and categories
8	Report of study results and findings	Discussed in finding and conclusion

Source: Zhang & Wildemuth (2009)

3. Results and Discussion

The result of document analysis on MPPHM 2020, TDA 2011, Food Act 1983, and LGA 1976 are presented according to the objectives of the study. It starts with the halal enforcement execution, then followed by the type of offense, and punishment or a fine for halal offences.

i. Halal Enforcement Execution

According to TDA 2011, JAKIM and JAIN are the implementing agencies for halal enforcement. Section 29 TDA 2011 empowers the minister, namely the Minister of Domestic Trade and Consumer Affairs (KPDNHEP) to establish provisions for certification and stamping on a product, including Halal Certification. According to Paragraph 3 of the Trade Description (Certification and Marking of Halal) Order 2011, the Department of Islamic Development Malaysia (JAKIM) and the State Islamic Religious Council (JAIN) in the respective States shall be the competent authorities to certify that any food or goods or service is halal. Therefore, as competent authorities, JAKIM and JAIN are responsible for certifying food, goods, or service as halal.

Meanwhile, the provision in section 28 of TDA 2011 allows officers from JAKIM and JAIN to conduct halal monitoring without the presence of KPDNHEP. This is because they have an authority card issued by KPDNHEP. Section 29 provides jurisdiction to JAKIM and JAIN as the Halal Certification issuing bodies in Malaysia. This finding is supported by Wahab and Azhar (2014) and Zakaria and Abdullah, (2019), who explains that only JAKIM and JAIN are the authoritative agencies in the issuance of Halal Certification in Malaysia. Wider jurisdiction is given to the JAKIM and JAIN agencies. This is supported by Abdul Wahab et al., (2015) and Buang and Mahmood (2013), who explains that with the TDA amendment, there are no more private bodies that can issue Halal Certification except JAKIM and JAIN.

However, the enforcement of JAKIM and JAIN is limited to halal-certified food premises and companies. According to Malaysia Halal Certification Manual Procedure, Procedure 31 (1) mentions that JAKIM has the power in monitoring and enforcement towards all halal-certified companies. Thus, JAKIM and JAIN are not eligible to carry out halal enforcement towards non-halal certified food premises and companies. Generally, JAKIM and

JAIN's role is to conduct investigations to ascertain whether the license holder has violated any laws, and determine whether they are the holder of halal certification or vice versa. JAKIM and JAIN if necessary, will later testify in the prosecution as a witness. JAKIM and JAIN have no jurisdiction in the prosecution of halal matters as the power to prosecute is under the jurisdiction of KPDNHEP (Ahmad et al., (2017).

For the non-halal certified food premises and companies, the implementation of halal enforcement is carried out by the KPDNHEP agency concerning the offence of deceiving or misleading consumers regarding halal. Section 28 of the TDA 2011 gives jurisdiction to KPDNHEP to implement halal enforcement if it finds

that any person has committed an offence of deceiving or misleading consumers by using the definitions in this order. For example, KPDNHEP has the power to do enforcement towards food premises or companies that misuse halal logos or display halal logos on their premise without verification from JAKIM.

ii. Type of offense

According to MPPHM 2020, there are three types of halal-related offenses related to food premises. Namely, minor non-compliance, large non-compliance, and serious non-compliance. JAKIM and JAIN have provisions for several types of administrative actions that can be taken in the event of an offence related to Halal Certification in Malaysia.

Table 2. Minor non-compliance offenses of food premises according to MPPHM 2020

No	Procedure	Description of minor non-compliances
1	Procedure 32 (1) (a)	Changes or additions to existing halal-certified raw material producers or suppliers without notifying the authorities in writing.
2	Procedure 32 (1) (b)	Addition of raw materials for existing products or menus that are different from the list of raw materials or menus registered in the MYeHALAL system.
3	Procedure 32 (1) (c)	Non-compliance with relevant documents and records. For example, failing to submit a receipt for the purchase of raw materials.
4	Procedure 32 (1) (d)	Non-compliance related to the health, hygiene and sanitation of employees and visitors.
5	Procedure 32 (1) (f)	Non-compliances related to halal training.
6	Procedure 32 (1) (g)	Non-compliances related to employee convenience. For example, not providing prayer space to employees.
7	Procedure 32 (1) (l)	Non-compliances related to the premises, products, menus and services applied for including the need to apply for all products and menus according to the MHC Scheme.
8	Procedure 32 (1) (m)	Non-compliances are related to failure to comply with MS, procedures, regulations, and relevant circulars that have a minimum impact on MHC.

Source: MPPHM 2020

Table 3. Major non-compliance offenses of food premises according to MPPHM 2020

No	Procedure	Description of major non-compliances
1	Procedure 32 (2) (a)	Non-compliances with the addition of raw materials or ingredients whose halal status is doubtful.
2	Procedure 32 (2) (b)	Non-compliances in misusing halal logos or halal certificates such as displaying expired logos.
3	Procedure 32 (2) (d)	The tools and elements of worship are in the processing area.
4	Procedure 32 (2) (e)	The use of equipment can have a negative impact on MHC. For example, using liquor-branded drinking glasses
5	Procedure 32 (2) (f)	Non-compliances related to the ineffective and unsatisfactory Malaysian Halal management system (MHMS).
6	Procedure 32 (2) (g)	Violate local authorities laws and regulations. For example, not having a valid licence from the Local Authority.
7	Procedure 32 (2) (h)	Does not meet relevant Halal Executives, Halal Supervisors and Muslim employees.
8	Procedure 32 (2) (i)	The use of brand names or menus is misleading and can lead to deviation of belief such as the name of the product “bak kut teh” and “air jampi”.
9	Procedure 32 (2) (j)	Use of illustrations, terms, symbols or names that violate Islamic Law on packaging or labelling.
10	Procedure 32 (2) (k)	Nonconformities related to control mechanisms for workers' accommodation, food and beverages and other elements that can cause contamination to halal-certified products.
11	Procedure 32 (2) (m)	Commit minor non-compliance more than twice from any MHC inspection.
12	Procedure 32 (2) (n)	Minor non-compliance can become major non-compliance if they fail to comply with the corrective action instructions from the competent authority
13	Procedure 32 (2) (p)	Non-compliance in compliance with MS, procedures and related circulars that have a significant impact on MHC.

Source: MPPHM 2020

According to MPPHM 2020, serious non-compliance offences are divided into two categories, which are Syariah non-

compliances and technical non-compliances. Tables 4 (a) and (b) will be explained in detail.

Table 4 (a). Serious non-compliance offenses (Shariah non-compliance) of food premises

according to MPPHM 2020

No	Description of serious non-compliances
Shariah non-compliances	
1	Procedure 32 (3) (a) (i) The verification of the non-halal status of raw materials or ingredients, products, menus, equipment, or other items related to the competent authority or foreign Halal Certification body recognised.
2	Procedure 32 (3) (a) (ii) Non-compliance related to the use, handling, storage, and mixing of non-halal substances such as raw materials, products, menus, services, premises, and others.
3	Procedure 32 (3) (a) (iii) Bringing in non-halal food and beverages to the Halal Certification premises.

Source: MPPHM 2020

Table 4 (b). Serious non-compliance offenses (Technical non-compliances) of food premises according to MPPHM 2020

No	Description of serious non-compliances
Technical non-compliances	
1	Procedure 32 (3) (b) (i) Change of management and name of the company without notifying the competent authorities.
2	Procedure 32 (3) (b) (iii) Forgery, misrepresentation, or modification of information contained in the MHC or halal logo.
3	Procedure 32 (3) (b) (vi) Using prohibited substances or violating any applicable laws and regulations is prohibited.

Source: MPPHM 2020

As depicted in Table 2, technical offences are typically classified as minor offences, and the Inspection Officer only gives a warning and asks for specified corrective activities. As such, minor offences involving the cleanliness of the premises, the equipment, the workers' hygiene, the environment's cleanliness, pest management, and other offences involving sanitation and hygiene, such as food handlers without the anti-Typhoid vaccine.

Meanwhile, major offences as shown in Table 3 have resulted in the company using doubtful raw material whereby it is

not halal certified, using the expired halal logo, and unsatisfactory Malaysian Halal Management System (MHMS) implementation. Besides, the company will be given a major offense when they repeated the same offence more than twice from any halal inspection. In addition, minor non-compliance can become major non-compliance if they fail to comply with the corrective action instructions from the competent authority. Therefore, the company should take serious consideration to do corrective action instructions from halal inspection.

Apart from the provisions for offences under MPPHM 2020, TDA 2011 also has provisions for halal-related offenses. Trade Descriptions (Definition of Halal) Order 2011 contains provisions relating to the definition of halal, offences to deceive or mislead, as well as penalties. Table 5 shows the halal marking errors in the TDA 2011. As shown in Table 5, making any representation or act that may deceive or mislead any person that the food is halal or can be eaten by Muslims is an offense. Therefore, displaying "Muslim friendly Food", "No pork" and other misleading claims to portray that the food can be eaten by Muslims without verification from JAKIM or JAIN is breaching the TDA 2011. No other parties can certify halal or issue Halal Certification other than JAKIM and JAIN as prescribed in Paragraph 8 (a) (b) Trade Descriptions (Definition of

Halal) Order 2011. In other words, this kind of self-claim of halal is prohibited under the TDA 2011 (Zakaria & Abdullah, 2019).

According to a report by the Metro Daily Newspaper on January 17, 2019, there is some deceiving and misleading halal case in Kedah. There are two owners of the mamak restaurants who mislead the consumer by hanging Al-Quran verses and it was found that the owner of the restaurant was not a Muslim. Meanwhile, in Pulau Pinang, a restaurant has Hindu religious rituals but misuses the halal slaughter certificate. It is being investigated under the offense of offense under Order 4, Trade (Definition of Halal) Order 2011 for making representations that may deceive or mislead people that the food is halal or can be eaten by Muslims.

Table 5. Offenses of halal marking in TDA 2011

No	Offenses	Section or Order
1	Making any representation or act that may deceive or mislead any person that the food is halal or can be eaten by Muslims is an offense.	Section 28 (2) TDA 2011 Paragraph 4 (1) Trade Descriptions (Definition of Halal) Order 2011
	"Representation or action" includes the use of the holy verses of the Quran or any matter relating to the religion of Islam whether on the premises or the food is supplied.	Paragraph 4 (2) Trade Descriptions (Certification and Marking of Halal) Order 2011
2	Anyone who certifies, marks, or sells food or goods in connection with such food or goods is halal.	Section 29 (2) (a)-(d) TDA 2011
	This means that if there are other parties that issue Halal Certification other than JAKIM and JAIN, it is an offense	Paragraph 8 (a) (b) Trade Descriptions (Definition of Halal) Order 2011

Source: TDA 2011 and Trade Descriptions Order 2011

Moreover, Section 16 of the Food Act of 1983 states that false labelling, such as deceiving or misleading in the preparation of food or sale of food, is an offense. Although it is not stated about halal in this act, it is in line with the Trade Descriptions (Definition of Halal) Order 2011

paragraph relating to the prohibition on operators who prepare or supply food to make representations that may mislead or deceive consumers.

Besides, the provision of offences under the LGA 1976 Act is not related to halal.

However, according to Procedure 5 (2) MPPHM 2020, food premises must have a licence or approval from the Local Authority (PBT) before the premises can operate. Therefore, the LGA 1976 Act provides for offences for food premises that do not have a licence or permission to operate. The Council may revoke or suspend the licence at any time if there is a breach of the conditions or restrictions of the licence or any breach of the provisions of these by-laws.

iii. Punishment or fine

Table 6 shows the types of punishments and actions imposed if committing the offenses provided for halal-related offenses. Five actions could be imposed on the company that failed to comply with Malaysian Halal Certification procedures. Those are the issuance of notice of non-compliance with MHC, followed by MHC being suspended and withdrawn, freezing of MyeHALAL account, and making notification status of the company to the public. For minor non-compliance punishment, the company will be warned for corrections to be made immediately or within 14 days. If the company fails to implement corrective action within the given period, MHC will be suspended immediately and Halal Certification Panel will determine the status of the company. The company's MYeHALAL account may be freezing for at least three months.

Meanwhile, for major non-compliance punishment, the Malaysia Halal

Certification will be suspended immediately and be warned for corrections to be made immediately or within 14 days. Halal Certification Panel will decide on the status of the company whether to restore the halal certification or withdrawal of halal certification of the company.

The punishment would be more severe for the serious non-compliance. As the serious non-compliance associated with the non-halal raw material brought into the company and non-compliance with the slaughtering process resulted in producing the non-valid slaughtering product, the MCH will be withdrawn immediately. The company is forbidden to use a halal logo in its product.

However, the punishment for breaching APD 2011 is more severe than the punishment for breaking MPPHM 2020. According to Paragraph 8 (A) (B) Trade Descriptions (Certification and Marking of Halal) Order 2011, a corporation that commits the offence of Certify any food, goods or services are halal or supply or offer to supply food, goods or services shall be fined not exceeding two hundred thousand ringgit and for a second or subsequent offense, a fine not exceeding five hundred thousand ringgit. For the offense of deceiving or misleading Muslim consumers that the food can be eaten by Muslims a corporation, accompany shall be fined not exceeding five million ringgit and for the second or subsequent offenses will be fined not more than ten million ringgit.

Table 6. Punishment and fine

No	Type of penalty	Procedure/ Section	Action imposed
1.	Failed to comply with Malaysian Halal	Procedure 33 (1) (2) (a)-(e) MPPHM 2020	Action can be taken against Malaysian Halal Certification holders:

Certification procedures.	<ul style="list-style-type: none"> (a) Issuance of notice of non-compliance with Malaysian Halal Certification (MHC) (b) Suspension of MHC (c) Withdrawal of MHC (d) Freezing of MYeHALAL account (e) Notification of company status to the public
Procedure 33 (3) (a)- (g) MPPHM 2020	<p><i>Minor non-compliance punishment</i></p> <ul style="list-style-type: none"> (a) MCH monitoring Notice issued (b) Be warned for corrections to be made immediately or within 14 days (c) Carry out follow -up or re -monitoring after the expiry of the prescribed period (if necessary) (d) Issued Notice of suspension. Withdrawal of Malaysian halal certificate if it fails to implement corrective action within the given period. (e) MCH will be suspended immediately (f) The status of the company's MCH will be determined by the Halal Certification Panel. (g) Freezing of MYeHALAL account for at least three months.
Procedure 33 (4) (a)- (e) MPPHM 2020	<p><i>Major non-compliance punishment</i></p> <ul style="list-style-type: none"> (a) Issued Monitoring Notice, Notice of non - compliance and Notice of suspension of MHC (b) MCH is suspended immediately (c) Be warned for corrections to be made immediately or within 14 days. (d) The MCH suspension report is submitted to the Halal Verification Panel for a final decision on whether: <ul style="list-style-type: none"> (i) Follow -up or re -monitoring needs to be done (ii) MCH is refunded (iii) MCH is withdrawn
Procedure 33 (5) (a)- (e) MPPHM 2020	<p><i>Serious non-compliance punishment</i></p> <ul style="list-style-type: none"> (a) Issued Monitoring Notice and Notice of Withdrawal of MCH (b) MCH is withdrawn immediately (c) The MCH withdrawal report is submitted to the Halal verification panel for final decision. (d) Freeze the MYeHALAL system for at least three months (e) Any Centralized kitchen that is withdrawn by MCH due to serious non-compliance, then all relevant food premises will be withdrawn by MCH

2.	Certify any food, goods or services are halal or supply or offer to supply food, goods or services	Paragraph 8 (A) (B) Trade Descriptions (Certification and Marking of Halal) Order 2011	Committed an offense and can be convicted: (A) If the person committing the offense is a corporation, he shall be fined not exceeding two hundred thousand ringgit and for a second or subsequent offense, a fine not exceeding five hundred thousand ringgit. (B) If the person committing the offense is not a corporation, he shall be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment not exceeding three years or to both. In addition, if committing the same offense for the second or subsequent time, the fine shall not exceed two hundred and fifty thousand ringgit or imprisonment not exceeding two years or both.
3.	The offense of deceiving or misleading Muslim consumers that the food can be eaten by Muslims	Paragraph 5 (a) (b) Trade Descriptions (Definition of Halal) Order 2011	Committed an offense and can be convicted (a) a corporation. A fine not exceeding five million ringgit and for the second or subsequent offenses will be fined not more than ten million ringgit. (b) (b) is not a corporation, it shall be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding three years and or to both. For second and subsequent offenses, a fine not exceeding five million or imprisonment for a term not exceeding five years.

4. Conclusion

In conclusion, various acts and regulations regulate halal in Malaysia. Each act and regulation have its scope in halal enforcement. TDA 2011 gives jurisdiction to JAKIM and JAIN as executors for halal enforcement. In addition, MPPHM 2020 is the main reference in halal enforcement because it consists of offences and punishments. Apart from MPPHM 2020 and TDA 2011, the Food Act 1983 and LGA 1976 are also involved in the halal enforcement of food premises. Although the Food Act 1983 and the LGA 1976 are not directly related to Halal Certification, before applying for Halal Certification, the operator must have a business licence or approval from the local authority. In addition, the provisions in the Food Act focus on the hygiene regulations of food premises and the specific requirements of Halal Certification must have a certificate

of registration of food premises from the BKKM.

Halal enforcement in Malaysia is based on multiple provisions, regulations, and acts as there is no halal-specific act governing halal certification. This has led to ineffective enforcement as JAKIM and JAIN have limited power to perform halal enforcement, especially towards misused halal logos, deceiving or misleading Muslim consumers with Quranic verses, and halal self-claim. As a result, halal issues have not been properly handled and solved.

This study is limited to only the provision of TDA 2011, MPPHM 2020, Food Act 1983, and Local Government Act 1976. The future study is suggested to study other related provisions of law and regulation governing halal matters in Malaysia to have more understanding of

halal enforcement. Besides, the researcher may explore the knowledge of food premises operators regarding halal enforcement including the raw material, the usage of halal logos, and knowledge of offences if there is a violation of the law.

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