

Maslahah Approach in Halal-Logistics Operation

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ABSTRACT

Halal logistics is part of halal supply chain and it covers warehousing, transportation and terminal operations. Thus, this study aims to examine the scope of halal logistics and its applicability for Muslim and non-Muslim countries. Apart from that, an established Shari'ah principle, namely the *maslahah* concept, will be appraised with a special focus on contamination in halal-logistics. The prominent Muslim scholars' views on *maslahah* and its application in this industry are also analysed. This is a qualitative study using descriptive and explanatory approaches. It employs content analysis to review systematically the facts derived from various literature and documents. This study shows *maslahah* plays a significant role in the operations of halal-logistics to protect public interest. It suggests that in handling the contamination issue in the halal-logistics system, the *maslahah* approach is a best practice that should be widely adopted. Moreover, it is believed that the *maslahah* approach could serve as a benchmark with the existing halal standard and constitute a sufficient measure for implementation of effective halal-logistics.

Keywords: Best practice, contamination, *fiqh*, halal-logistics, *maslahah*

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INTRODUCTION

Allah commands us to consume halal, wholesome and good food. By definition, *Halalan Tayyiban* is not confined to consuming halal food, its ingredients and sources need to be permissible, and it should be prepared in accordance with Islamic principles. The concept of halal also includes food production and processing as its primary goal to protect its followers

from consuming harmful and unclean products and from using services provided in an unjust and oppressive manner (Nazery, 2009). This concept of halal governing food and goods consumed has been emphasised in Quran. In al-Baqarah, verse 168, Allah stated: “*O’ mankind! Eat of what is in the earth lawful and good; and do not follow the footsteps of Satan. Surely he is a manifest foe for you.*”

Similarly, according to Al-Ghazali (1986, p. 47), choosing halal food as prescribed by Islamic legal rulings will develop one’s spiritual and physical wellbeing. This shows it is not permissible to consume food which is clearly prohibited. Apart from that, effort should be made to avoid consuming *syubhah* (doubtful) food. As the awareness towards the concept of halal has increased significantly, so has the demand for halal products and services. High quality and hygiene standards associated with halal have gained global recognition and acceptance. This recognition stems from the fact that halal is not exclusive to Muslims but is also applicable to non-Muslims. It encompasses a broad spectrum of sectors and services and has proven effective in generating good income for related sectors. A review of literature shows the halal industry has a potential for great growth in developed countries.

Malaysia aspires to be a global halal hub and a gateway to halal products and services. In order to achieve that, several measures have been implemented such as the establishment of the Third Industrial Master Plan (IMP3) with the primary aim

to develop Malaysia into a regional halal hub for selected products, halal services, manufacturing as well as commercial goods. Halal policies and strategies have also been accordingly implemented such as establishing global halal standard governing the process of auditing and halal certificate for the growth of the global halal industry.

With the growing demands for halal foods, goods and services, the halal industry has expanded from the service sectors (i.e. logistic, packaging, branding and marketing) into pharmaceutical products, cosmetics, finance, entertainment, investment, tourism and to name a few. Apart from food production, other related halal industry products and services are in demand from Muslims. Thus, the entire spectrum of the supply chain, involving a broad range of activities such as certification, procurement, packaging, transportation, distribution, storage, financing, auditing, accounting and insurance have been given greater attention.

Tieman (2013) claims, given the vulnerability of halal food supply chains, the size and growth of the halal market coupled with stringent halal regulations have forced the industry players to extend the halal logistics to cover consumer purchase. Thus, further scrutiny on the logistics of halal food is pertinent. Nazery (2009) points to a growing requirement for halal standards and compliance with certification and logistics to estimate and understand the needs of the growing global halal market. Currently, 31 logistics companies in Malaysia have been certified as *Halalan Tayyiban* Assurance Pipeline Management

System (MS2400:2010) Part 1 for Transportation and Part 2 for Warehousing. The number of logistics companies with halal logistics certifications would increase due to the increase in awareness on the importance of halal logistics standard (MS2400:2010) and the willingness of the companies to practice halal logistics (Teh Zaharah, Harlina Suzana, & Fadilah, 2016). However, it appears that this existing halal standard for logistics industry is inadequate. More precisely, the MS2400:2010 *Halalan Tayyiban* Assurance Pipeline Standard covers transportation, warehousing and retail. It provides general halal compliance requirements for transportation of goods and/or cargo chain services, warehousing and related activities and retailing. Although the requirements and guidelines embedded in MS2400:2010 are generic, in particular, with regard to the requirements for halal compliance identification, premises, packaging, containerisation, handling, transportation, storage and personnel with specific emphasis on compliance control, it appears that logistic providers fail to comply with this respective guideline. To date, JAKIM is yet to certify any service provider in accordance with this Halal Logistics Standard. Rather, the Certificates for halal certification to a few logistics service providers such as Kontena Nasional, MISC Integrated Logistics Sdn. Bhd., Penang Port and others are only based on the MS 1500:2009 under the handling clause (Hadijah, Rohana, & Alwi, 2012).

Nonetheless, although halal certificate has been issued to some halal logistics

companies, various issues remain unresolved. The Cadbury controversy in Malaysia between the end of May 2014 to early June 2014 is among the landmark cases on issues of contamination. DNA porcine contamination was detected in two Cadbury products which were labelled as 'halal' which led to the suspension of Cadbury's halal certification for 17 days (Nurhafilah, Mohd Fakarudden, Asmak, & Nazri, 2016). As a consequence, it caused a loss in revenues, tarnished JAKIM's credibility and led to calls for Muslims to boycott Cadbury chocolate. Most of the discussions nowadays is only related to contamination and do not highlight the debate on other relevant issues. Analysis and assurance of the law against contamination in the logistics operation is complicated as it relates to scientific aspects such as source category of DNA (passenger DNA or pDNA), technique of segregating products, type of host used and the thread behind the management that involves ethics, religion, health, politics, economy as well as safety.

Analysis of the law on contamination in logistics operations depends on a clear understanding of legal procedures and the method of determining it. This may affect the scholars' understanding and hence disagreement in views in comprehending the meaning of the dictum especially *zanniyah al-dilalah*. For example, the method as prescribed in the original law is necessary for any material (except in the case of worship) while there is no legislation which denies the proposition. In this case, the Hanafi jurists hold different views on

the methods based on the principle that the original law for any material that is illegal or *tawaqquf* cannot be used to judge something is lawful as long as there is no evidence that the material is safe for human beings (Muhammad Nur al-Din, 2002).

In view of the above, this study will first examine the scope of halal logistics, its principles and foundations for Muslim and non-Muslim countries. Apart from that, the *maslahah* concept will be appraised with a special focus on the halal-logistics industry. The prominent Muslim scholars' views and opinions relating to *maslahah* and its application in the halal-logistics industry are also analysed. Also, this exploratory study will further highlight that in the absence of the *thabit* (specific) law governing issues, methods and management of halal logistics, *maslahah* approach could be adopted to formulate the best practice of halal logistics.

LITERATURE REVIEW

Logistics plays a key role in protecting the integrity of halal food through proper transportation, storage and handling along the supply chain until it reaches its final destination. According to Tieman (2011), halal products and services do not only focus on the usage or purchase but also includes the preparation process. This shows there is an awareness of halal products in every aspect of the supply chain (Zalina, 2004). Thus, ensuring halal sources, and processing method which is Shariah-compliant including water and container for clean food preparation as well as

ensuring clean premises and storage are vital. Logistics act as a liaison between suppliers, manufacturers, retailers and end users to ensure the flow of materials and services throughout the supply chain is sustainable.

Tieman (2013) claims "halal logistics is the process of managing the procurement, movement, materials storage and handling, parts, livestock, food and non-food items inventory, related information and documentation of the organisation management and supply chain which comply with the general principles of Shariah" (p. 5). Thus, one of the problems that may be faced is the separation of containers for halal and non-halal items which may result in additional delivery and management cost. According to Zaharah et al. (2016), Halal Logistics Services Provider refers to logistics companies and warehousing services certified with halal status by The Department of Islamic Development of Malaysia (JAKIM) and comply with Shariah requirements in terms of their operation and services. Other than food safety standards, halal food production and logistics process are carefully planned involving strategies, SOPs, work instruction and specification in food process and controls based on Shariah compliance. Thus, food is considered halal if it is halal throughout the entire production chain ranging from production, transportation, storage to retailing. Adam, Siti Norezam and Ezanee (2017a, 2017b) outline the important factors in setting a model for Islamic supply

chain in Malaysia. Several critical factors are proposed in establishing such an Islamic model and framework.

Fariad, Mohammad Ali and Akbariah (2017) agreed that the existence of the concept of Maqasid al-Shariah is to create *maslahah* for all human beings. Thus, the development of Maqasid al-Shariah for business is very important. It has only been developed for the Islamic financial industry. Unfortunately, it is found that the development of Maqasid al-Shariah performance measurement has not been carried out comprehensively in the non-financial industry. Similarly, Abid and Mohd Imran (2017) stressed the need to develop proper guidelines, standards and codes to train the halal logisticians.

Suhaiza, Azmin and Kanagi (2017) discussed the challenges and opportunities for logistics companies in Malaysia to adopt halal logistics. They found that one of the challenges facing the halal logistics is the existence of ambiguous halal guidelines, as it could be a cause of a lengthy certification process and higher cost in halal logistics. Thus, this research is timely to suggest *maslahah* as one of the important elements in improving the ambiguity of guidelines.

A review of the above literature demonstrates that although the studies on halal-logistics provider are plentiful, there has yet to be a comprehensive study on the application of *maslahah* with special reference to halal-logistics. In particular, when it comes to the contamination issue within halal-logistics providers and the detailed approach and application

of *maslahah* in handling this issue, the literature is limited.

For the related laws and guidelines applicable in Malaysia, Trade Description Act 2011 Act 730 can be referred. According to the Act, the terms “Muslims food”, “halal” or “Guaranteed Halal” etc. indicates: (i) Do not consist of or contain any substance or any part from animals that are forbidden by syara’ or that was not slaughtered according to syara’; (ii) Do not contain filth; (iii) Is not prepared by, processed by or manufactured by using tools that are not freed from filth; and (iv) During preparation, processing or keeping, it did not make contact or be near to substance that is not fit with syara’.

Another related guideline is the *Halalan Tayyiban* Assurance Pipeline (HTAPS). It is an important document that has to be referred by every company that provides logistic services for halal products to preserve the safety and purity of the product from farm to the user. This guideline has a flow process for product management that consists of three levels of standards for transportation, storage and trading.

- (a) MS2400-1:2010(P) the requirement for commodity transportation management system or service for cargo links.
- (b) MS2400-2:2010(P) the requirement for warehouse management system and related activities.
- (c) MS2400-3:2010(P) the requirement for the trading management system.

With the existence of the document, the cleanliness and the halal level of a

product can be guaranteed since every flow for the process from the farm to the consumer has a distinct method that is safe as well as acknowledged halal standards. If every logistic company complies with all the methods in HTAPS, it will be easier for the company to obtain halal certification that will give confidence to the consumers, enhance revenue and also the country's image. Seemingly, food product contamination will occur if there is improper handling, maintenance and segregation of the food products. Also, risks involved in the delivery process of halal products include exposure to haram and hazardous products during transportation and storage (Teh Zaharah et al., 2016).

METHOD

This is a qualitative study involving the use of resources from the library and website. A number of references are used, namely divine texts, al-Quran and al-Sunnah, classical books from the prominent jurists related to *maslahah*, journal articles as well halal-related acts, standards and guidelines to draw insights based on information related to the area of discussion. The research also uses online databases for social sciences such as ProQuest, EBSCO Academy Search Premier, EBSCO Business Source Complete, Science Direct and Scopus. Hence, this research involves the combination of two or more of the various types of approaches: a descriptive, explanatory, critical and comparative approach to analyse the views of the scholars pertaining to the approach of *maslahah* in logistics operations.

RESULTS AND DISCUSSION

The Concept of *Maslahah* (Public Interest) in Islamic Jurisprudence

In Islamic jurisprudence, *maslahah* or public interest is a basis of law. According to Al-Ghazali, (1997, p. 319), *maslahah* consists of considerations which secure a benefit or prevent harm but are in the meantime, harmonious with the objectives (*maqasid*) of the Shariah. These objectives include protecting the five essential values, namely religion, life, intellect, lineage and property. Any measure which secures these values falls within the scope of *maslahah*, and anything which violates them is *mafsadah* (evil). Preventing the latter is also *maslahah*. Thus, in enacting the law, whatever involves the preservation of these five fundamental values is a *maslahah* and whatever neglects these fundamental values is corrupt and hence repelling it is *maslahah*.

Muslim scholars have divided *maslahah* into three categories. First is *maslahah al mu'tabarah* which refers to *maslahah* that the Quran and Sunnah have expressly upheld. This type of *maslahah* cannot be rejected and must be preserved and realised. The second category is *maslahah mulgha* which refers to any *maslahah* that has been nullified either by the Quran or Sunnah and should not be upheld. The third category is *maslahah mursalah*, i.e. the one related to the discussion of this article (Badran, 1984).

The doctrine of *maslahah mursalah* refers to the unrestricted public interest which is not regulated by Allah, and no textual authority can be found on its validity (Abd al-Wahhab, 1978, p. 84). In this regard,

when the *maslahah* is identified, and the explicit ruling in the text of the Qur'an and Sunnah is not found, the necessary steps should be taken to secure it. It is in this area where the authorities have the discretion to introduce laws and policies and adopt measures to realise public interest.

With regard to this doctrine of *maslahah*, Imam Malik and Ahmad approved the plea as one of the sources of Shariah that could be a proper ground for legislation with the condition that those *masalih* do not conflict with the objectives (*maqasid*) of the lawgiver (Muhammad, 1997, pp. 246-247). However, this doctrine of *maslahah* according to Mohammad Hashim Kamali is not fully utilised as there exists a wide gap in recent decades between Shariah and statutory legislation. This comment is very important to be taken into a consideration in maximising the application of *maslahah* in halal logistics operation (Mohammad Hashim, 1988).

The determination to apply *maslahah* is largely dependent on the *ijtihad* of scholars. Their *ijtihad* is based on the main sources of Islamic law which are al-Quran and al-Sunnah as well as the secondary source which are based on *masadir naqliyyat (ijmak dan qiyas)*, *masadir aqliyyat (istishab, istislah istihsaan)*, *maqasid shariah (objective of shariah)*, *qawaid al-fiqh (Islamic legal maxims)* and *dhawabit al-fiqh (fiqh principles)*.

To apply the concept of *maslahah*, both Islamic rulings and human affairs should be adjusted with the suitability of time and place to achieve the Maqasid Shariah.

The *maslahah* approach coincides with the aim of Maqasid Shariah which is to protect the survival of the present and future generations. Yusuf Hamid (1991) stated in the effort to determine the goodness and badness that it requires comprehensive study for one and all benefits. Determining the *maslahah* requires cooperation between specialists in the varied fields and Muslim scholars.

Maslahah Approach towards Halal Issues

From the perspective of halal implementation in Malaysia, the halal standard used is based on Islamic law in the school of Syafii or any other Islamic law of other schools such as Maliki, Hanbali and Hanafi agreed by Yang di-Pertuan Agong to be enforced in the Federal Territory, or the Ruler or Sultan of a state enforced such laws in their state, or a fatwa endorsed by the authorities of the Islamic religion. MS1500:2004 emphasised: (i) halal food sources including animals (land and water), plants, fungi (mushrooms), microorganisms, natural minerals, chemicals and beverage; (ii) genetically modified foods; (iii) to determine the food is safe, not toxic or harmful to health; and (iv) the conditions for the slaughter of poultry and ruminants. The standard also touched on the obligation to separate the production, preparation and handling of halal and non-halal food. As for storage activities, halal products should be labelled clearly to avoid being mixed or contaminated with non-halal products.

Therefore, it should be understood

that in the process of determining the law, a *mujtahid* does not only look at the mechanism of halal-haram alone. It requires an in-depth research such as understanding the current situation to meet the needs of it so that the issued law may achieve Maqasid Shariah. Consequently, to fulfil the provision is by applying the *siyasah syar'iyah* method in upholding halal industry from being manipulated, that the government's effort in introducing Halal Certification Procedure Manual can provide guidelines to responsible authorities such as JAKIM and JAIN in ensuring that non-compliant to principles of Shariah elements can be confined or minimised before awarding the halal logo to the applicant. At the same time, the industry can emphasise on other important aspects so that all halal products handling activities follow the given guidelines. One aspect highlighted in the manual is the logistics, such as responsibility and management of the logistics affairs. This aspect is considered as one of the important matter which able to reduce the risk of not complying with Shariah Law. The details that have been explained in the manual are as follow:

“5.7.3.1 The company's management should be responsible for ensuring the implementation of halal system to ensure that the:

- (i) Chairman of the Internal Halal Committee shall consist of a Muslim in the management level.*
- (ii) Executive of the Internal Halal*

Committee shall consist of a Malaysian Muslim which has the Islamic education background and Halal Executive Certificate or logistics related course certificate.

(iii) Muslim supervisor shall be permanent worker, Malaysian, competent about halal management system and working full-time in handling/processing.

(iv) Muslim worker shall be permanent worker, Malaysian, competent about halal management system and working all the time in handling/processing.

a) Applicants of multinational category shall establish:

*i. Internal Halal Committee
The management shall establish an Internal Halal Committee which comprises of full-time permanent worker. Minimum members of the committee are four people comprising of:*

- a. Chairman*
- b. Halal Muslim Executive*
- c. Responsible officer in deciding the procurement of raw materials*
- d. Representative*

*from department
of production*

*ii. Appoint a minimum of
two Muslim workers.*

*iii. Companies shall
establish Halal Assurance
System. Refers to SJHM
2011 (Sistem Jaminan
Halal Malaysia 2011)*

*b) Small Industries/Rural
Industries Category and Small
& Medium Enterprises (SMEs)*

*i. The applicant shall
appoint a Muslim
supervisor and minimum
one Muslim worker.”*

(Manual Procedure of Malaysia
Halal Certification, 2014)

Based on the essence of the manual, the implementation of *siyasah syar'iyah* method in companies involved in the preparation of halal products have to place at least one Muslim employee in the logistics department. It is an initiative by the government to provide Muslims opportunities in logistics and give them expertise in the field. In addition, the placement of Muslim workers in these places is a form of social responsibility in meeting the clear objectives of the principles of the Shariah (Mohd Adib, Suhairimi, & Azizan, 2015). As a result, the placement of Muslim workers may become an early fortification from the mafsadah and harm to the consumers and to assure Muslim users that the products are *halalan tayyiban*.

Besides that, the use of *maslahah* helps avoid non-compliance to Shariah principles. The process of moving goods and products from one place to another requires a relatively high cost. To comply with the halal standard, in a single container, halal products must be separated from non-halal products. It results in burden to small and medium industries that want to use these services to market their products overseas. To overcome these constraints, some logistics companies provide services dedicated to Small and Medium Enterprises (SMEs). Based on the budget speech in 2014, the government has allocated RM3 billion in the form of soft loans through Bank Pembangunan Malaysia Berhad to boost the shipping and maritime activity (Abi Sofian, 2014). Accordingly, this action may indirectly increase SMEs' business and meet the requirements of halal products around the world.

According to Philip (2013), three important components in halal logistics are warehousing, transportations, and terminal operations. It can also be viewed from two different halal logistics system approaches. Among them are as follow:

Halal logistics in non-Muslim countries

For halal logistics systems in non-Islamic countries, they focus on demands to avoid direct contamination between halal and non-halal products and inclusive of other risks of contamination without requiring the need of a specific warehouse or vehicles for halal products. Rationally, the flexibility is given to the first scenario because the number

of halal companies is lower than Muslim countries. Thus Philip (2013) further claims that this will create problem for the company to manage halal products because it involves a very high cost if consumers demand a specific warehouse and transportation for these products. As a result, halal products are not able to be marketed widely to Muslim consumers in non-Muslim countries if they have to strictly follow the provisions of halal logistics standard as adopted by other Muslim countries. Thus, this study further proposed by using *al-masyaqaq tajlibu taysir* method, it helps ensure against the risk of contamination between halal and non-halal products due to container leakage and others. Consequently, Muslim consumers can access halal food and easily and safely.

Halal logistics system from Islamic countries. Conversely, a different approach is applied to Muslim countries which is based on separation of non-halal and halal products in the warehouse, transportation system, as well as special handling process of halal products. The number of companies involved in the food supply chain in the country is very large. Hence, maintaining the consumers' rights is important. According to Rohana, Hadijah and Alwi (2012), Muslim consumers are willing to pay for costs associated with halal logistics to make sure that the parameters of Shariah-compliance in every aspect of the food supply chain are maintained. This shows that halal logistics policy must be adhered to so the Muslim access to halal product is guaranteed.

Furthermore, regular monitoring activities on warehouses, transportations, and terminal operations by authorities is a form of *maslahah*, as it can avoid risks of both direct and indirect contamination. Likewise, it can also ensure employees comply with all procedures and regulations to avoid potential contamination of halal products with non-halal ones. The monitoring and inspection at every supply chain are also important to prevent suspension or cancellation of halal certificate (Miaz & Chaudry, 2004) of the companies.

Looking at the differences in the view of scholars and *'urf* in the Islamic countries, the issue of determining various types of halal meat is a concern but the differences of legal schools (mazhab) must be respected to protect the sensitivities of all Muslims. For instance, in Brunei, slaughter can only be carried out by a conventional method, namely by hand (State Mufti of Brunei, 2000) rather than through other methods used by other Muslim countries, such as stunning which is permitted in Malaysia. Malaysia has accepted several kinds of stunning methods as long as the animal is not dead before they are slaughtered (Suhaimi, Zulaipa, & Muhammad Shahrin, 2014). Therefore, Malaysia should understand and respect Brunei laws on halal meat which has set a few regulations to be adhered to by halal meat importers.

“Inspection by Inspection Committee

5. (1) The Inspection Committee shall inspect every slaughtering

centre and shall submit its report in the form set out in the Second Schedule to the Majlis accordingly.

(2) The Inspection Committee shall ensure that the slaughterers of the foreign slaughtering centres are Muslims duly authorised by the law of that country to slaughter animals according to Hukum Syara'.

(3) Whenever any halal meat is imported, the Inspection Committee shall inspect it forthwith so as to ensure that it is halal meat according to Hukum Syara' and shall submit its report to the Board.

(4) There shall be at least two Muslim permanent workers in every slaughtering centre who shall be present at the time of the slaughtering of the animals and of the packing, lifting and transportation of the meat."

(Laws of Brunei, Chapter 183, Halal Meat)

In practical terms halal chicken meat slaughterhouses in Malaysia must abide by the import laws of the respective country. In the case of halal meat exported to Brunei, its halal enforcement committee members will jointly monitor the early process of poultry slaughtering until the chicken meat is processed, stored and eventually sent to Brunei. This is to verify that the chicken meat supplied to Brunei is halal according to their standard. Secondly, it respects the

diversity of opinions among scholars and improves diplomatic relations between the two countries.

CONCLUSION

Maslahah provides solutions to problems confronting halal logistics operations. It ensures the flexibilities of Islamic law in its application by facilitating Muslims in handling logistics issues. This can be seen by companies providing exceptions to halal logistics in non-Muslims countries for not strictly following the provisions of halal logistics standard adopted by Muslim countries. This is to ensure that halal products would be able to be marketed widely to Muslim consumers in non-Muslim countries. The practice in Muslim countries is different where a large number of companies is involved in the food supply chain, and Muslim consumers are willing to pay for costs associated with halal logistics. In short, the *maslahah* concept provides guidelines that should be adopted by policy makers and authorities involved in halal industries as it helps them resolve related issues and realise the higher objectives of Islamic law (Maqasid Shariah).

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