

Is Halal Certification Necessary for Exporting to Islamic Countries? Focus on OIC Countries

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Abstract: Halal means permissible or lawful in Arabic and is applied to both the religious and daily life of Muslims. Islamic Law Shariah requires Muslims to consume halal products only. But with the expansion of supply chains around the world and the development of many new products, Muslim consumers have found it difficult to confirm whether food is halal or not. Also, as many foods are produced in non-Muslim countries and exported to Muslim countries, interest in halal certification in non-Muslim countries is increasing. With several Islamic countries strengthening their halal certification regulation for import in recent years, there is no accurate information on whether halal certification is necessary to export to Muslim countries or the Islamic State, and is lack of clear study of the definition of the Islamic State. Therefore, in this research, we will investigate the constitution and food import regulations of the Organization for Islamic Cooperation (OIC) member states, called the Union of Islamic States, to study the definition of Islamic State and whether halal certification is necessary for food exports.

Keywords: halal certification, food imports, Muslim, Islamic market, Sharia law, OIC Countries

INTRODUCTION

According to the Thomson Reuters' State of the Global Islamic Economy Report 2019/20, the global Islamic market was US\$2.2 trillion in 2018 and it is expected to reach US\$3.2 trillion in 2024. In 2018, the

world's Muslim population was about 1.8 billion, making up about 24% of the global population. The Islamic market can be divided broadly into Islamic finance and halal products and services, including food, travel, modest fashion, media and recovery, pharmaceuticals, and cosmetics. Among those, halal food, pharmaceuticals, and cosmetics have the most significant influence on the daily life of Muslims. In 2018, the market for halal food was \$1.369 trillion, second only to the Islamic finance market at \$2.524 trillion. By 2024, the market for halal food is expected to reach \$1.972 trillion.

The Islamic market, and the halal market in particular, is growing rapidly due to the increasing Muslim population and market variety. In light of this, many recent studies have focused on these topics (Riaz and Chaudry, 2003; Regenstein, Chaudry, and Regenstein, 2003; Zulfakar, Anuar, and Ab Talib, 2014; Henderson, 2016; Abdul, *et al.*, 2009; Zailani, *et al.*, 2010). Numerous research and media organizations from around the world have published papers and articles which emphasize the importance of halal certification for products entering the Islamic market (Shafie and Othman, 2006; Muhammad, *et al.*, 2009; Rajagopal, *et al.*, 2011; Aziz and Chok, 2013). The Indonesian government, a leader in the halal market, has enacted the Law of Republic of Indonesia Number 33 Year 2014; this law states that all products imported or distributed to the country must be halal, beginning in October 2019. Due to this, foreign entities wishing to export to Indonesia began developing an interest in the Islamic market, halal, and halal certification.

The fast-growing halal certification market is rapidly changing the Muslim perception of halal. Until the early 2000s, there was a dominant belief that halal food was limited to meat products. However, Muslims began to recognize that some ingredients and additives contain pork-derived products, causing an increased risk of ingesting haram products (Vandendriessche, 2008; Nakyinsige, Che Man and Sazili, 2012). Muslims also began to also recognize that halal certification is necessary in order to properly avoid haram products (Hanzaee and Ramezani, 2011). There has been a widespread movement to enhance halal certification through the government or private institutions in Malaysia, Indonesia, Thailand, and other countries whose main population includes many Muslims. In addition, academic research on halal has become more active in Thailand and Malaysia. Malaysia's efforts to improve halal certification through its policy of strengthening halal product import procedures, such as the

Foreign Halal Recognized Body system, have been instrumental in expanding the halal market. The reality is that many of the products exported to Islamic countries are produced in non-Islamic countries; for example, 85% of imported meat and live animals are imported from non-OIC countries (Thomson Reuters, 2014). Understanding the importance of the Muslim market from non-Muslim countries has increased the realization that halal certification will contribute to the market's expansion. Therefore, the overall halal market reached US\$2.2 trillion in 2018, with \$1.369 trillion in the halal food market, \$189 billion in tourism, \$283 billion in fashion, \$220 billion in media and entertainment, \$64 billion in cosmetics, and \$92 billion in pharmaceuticals (Thomson Reuters, 2019).

CONCEPT OF HALAL

Halal is an Arabic word which means permissible or lawful; it specifically refers to things that Muslims can do that are in line with Sharia law. Halal is widely applied to both the religious and daily life of Muslims (Al Jalad, 2008). Haram, meanwhile, is defined as forbidden or prohibited in Arabic and is the opposite of halal; it indicates an activity which is logically or judicially forbidden. If an activity is haram, Muslims are absolutely forbidden from it. Halal and haram are both defined by Islamic Sharia law. However, Sharia does not simply divide the Muslim code of conduct into two categories, halal and haram, but into five categories (Okon, 2013). The law includes five categories of halal and haram behavior: halal is divided into fard or wajib; additional actions are mandub, mustahab, mubah, jaiz, or makruh; finally, actions can be haram. These categories are divided according to the seriousness of religious precepts and rational duty. Fard or wajib are duties that must be fulfilled by Muslims. Mandub or mustahab actions are not religious obligations, but recommendations to members of society. Mubah or jaiz are acts that Sharia law permits but does not recommend to Muslims. Makruh is an act which Sharia law does not forbid, but it is preferable to avoid. Finally, haram is an act prohibited by Sharia law which should not be performed by Muslims (The Deen Show, 2020). The dietary code of Sharia guides Muslim to have halal food and to avoid consuming any haram food. Not only that, halal food must be also considered as nutritious and good (tayyib) for the individual's health (Arif and Ahmad, 2011).

SHARIA LAW

According to Islamic jurisprudence, theology and historiography, Sharia law is based on the revelation of Allah's plans for humanity through Prophet Muhammad (Vikør, 2005). Sharia means "the way to water" in Arabic, and is the primary guide for all aspects of Muslim life. This includes daily life, family and religious duties, and financial dealings of Muslims. Sharia is based mainly on Sunnah, which records the words, customs and teachings of the Quran and Prophet Muhammad (Johnson and Sergie, 2014). Muslims regard the Quran as a sacred source of Islamic law and a means of delivering the messages Allah revealed to Prophet Muhammad to modern believers. Therefore, all Muslims must unconditionally obey and follow Sharia law (Forte, 1978). In addition to the Quran, Islamic scholars have addressed novel issues that have occurred through history, including the Prophet's Sunnah, Qiyas, and Ijma. The syncretism of the Muslim community formed by this method of legal interpretation served to define the theological manual called Sharia (Johnson and Sergie, 2014). These religious scholars have developed Islamic jurisprudence (Fiqh) since the 8th century to interpret the will of God from available sources. They have developed a methodology which derives Sharia rulings from the Quran using a process known as Ijtihad; this means intellectual effort and rational interpretation of the law (Esposito, 1995).

According to traditional Muslim views, the main lesson of Sharia was delivered directly from Prophet Muhammad without "historical development" (Forte, 1978). His colleagues and followers accepted what the Prophet Muhammad shared as a model for custom and behavior (Sunnah), then passed this information on to the next generation in the form of hadith (Norman, 1995).

Sharia or Islamic law affects the legal code of most Islamic countries (Johnson and Sergie, 2014). In addition, the legal systems of countries with a Muslim majority population can be classified as secular or mixed. Sharia has no role in the secular legal system. In a mixed legal system, Sharia may affect some national laws, but its central legislative role is carried out by politicians and modern jurists rather than ulama (traditional Islamic scholars). Saudi Arabia and several other Gulf countries are adopting a legal system called the classical Sharia system. Within this system, ulama play a decisive role in the interpretation of law. Iran has

adopted some features of the classical Sharia system while retaining other characteristics of mixed systems such as biblical law and parliament (Otto, 2008).

MOTIVATION

The Islamic market referred to previously can be defined as a Sharia compliant market based on the Quran and Sunnah. In addition, the Muslim market in a narrow sense means a Muslim society as a set of individual Muslim communities; in a broad sense, it refers to the Islamic world or Islamic State. Much of the literature limits the Islamic world to member states of the Organization of Islamic Cooperation (OIC). Nevertheless, there has never been a clear study that examines whether OIC countries can be considered Islamic. In order to study the Islamic market accurately, we first need to define the conditions a country must satisfy in order to be an Islamic country. Therefore, this study seeks to examine whether halal certification is necessary to export food to the Islamic market through analysis of the constitution and import regulations of the OIC member states.

ORGANIZATION OF ISLAMIC COOPERATION

The Organization of Economic Cooperation (OIC), which was founded in 1969 with 24 member states, presently has 57 member states across four continents and is the largest intergovernmental organization after the United Nations. The OIC represents a collective voice of the Islamic world that seeks to protect the interests of member states in the political, economic and social sphere while promoting international peace and harmony (Sesric, 2019). In addition to the 22 member countries of the Arab League, there are also a number of non-Arab countries, including Turkey, Iran, Pakistan, and Indonesia, and five observer countries, namely Bosnia and Herzegovina (1994), the Central African Republic (1996), Thailand (1998), Russia (2005) and Cyprus (2004) (OIC, 2019).

The need for the establishment of a consultative body of the Islamic States was first discussed in Morocco in September 1969. A month prior, an arson attack had destroyed part of the church and roof inside an 800 year-old Al-Aqsa Mosque in Jerusalem. In response to this incident, representatives from 24 Muslim countries met in Rabat, the capital of

Morocco, and established an organization to promote cooperation throughout the Islamic world. The first foreign ministers' meeting was held; in March 1970, the installation plan of the OIC's office was established in Jeddah, Saudi Arabia. The group was originally called the "Organization of the Islamic Conference" but was renamed the "Organization of the Islamic Cooperation" in June 2011 (OIC History). Issues related to Palestine were central to the OIC's agenda and summit discussions, where member states regarded Israel as an aggressor to Palestine and consistently denounced Israel. Key topics covered by the OIC summit included the wars in Bosnia and Iraq, increases in the number of refugees from Muslim-majority countries such as Syria, and Islamophobia in the West (Ibrahim, 2019).

RELATIONSHIP BETWEEN POLITICS AND RELIGION UNDER CONSTITUTION OF OIC MEMBER STATES

1. *Review of Previous Studies*

The classification of Muslim countries has been attempted by studies in prior research. Firstly, Otto (2010) stated that old Sharia was considered God's plan in all Muslim countries. Furthermore, its application requires interpreting and prescribing the principles and rules of Sharia, which may produce different results based on the scholar who interprets them. Using this definition, he selected 12 leading Muslim countries and examined them in order to understand the impact of Sharia on politics. He studied five countries in the Middle East and North Africa (Egypt, Morocco, Saudi Arabia, Sudan and Turkey), three in Central and South Asia (Afghanistan, Iran and Pakistan), two in Southeast Asia (Malaysia and Indonesia) and two in West Africa (Mali and Nigeria). He described how Sharia was applied in the legal systems in accordance with historical changes and trends in the past and present of the 12 countries. In particular, the author examined the years 1800, 1920, 1965, and 1985 as turning points. He argued that, in five of the 12 countries, the constitution establishes an "Islamic State," and that in seven of the 12 countries, the constitution declares Islam a national religion. Furthermore, he stated that six countries declared Sharia to be the "source" of the national legal system or that all laws must be applied according to Sharia. (See Table 1).

Table 1. Islamic State and State Religion, in Twelve Countries.

| Country | <i>Constitutional Islamic State</i> | Islam as State Religion | Shariah as a or the main Source |
|----------------|--|--------------------------------|--|
| Egypt | (X) | (0) | (0) |
| Morocco | (0) | (0) | (X) |
| Saudi Arabia | (0) | (0) | (0) |
| Sudan | (X) | (X) | (0) |
| Turkey | (X) | (X) | (X) |
| Afghanistan | (0) | (0) | (0) |
| Iran | (0) | (0) | (0) |
| Pakistan | (0) | (0) | (0) |
| Indonesia | (X) | (X) | (X) |
| Malaysia | (X) | (0) | (X) |
| Mali | (X) | (X) | (X) |
| Nigeria | (X) | (X) | (X) |

Source: Sharia Incorporated (Otto: 2010).

Johnson and Sergie (2014) categorized Islamic countries into three categories: Dual Legal System, Government under God, and Completely Secular. First, Dual Legal System is a system adopted by some of the Muslim-majority countries where the government operates as a secular system, but Muslims can resolve family and financial disputes through Sharia courts. The jurisdiction of courts differs between Islamic countries, but they showed that marriage, divorce, inheritance and guardianship are generally based on Sharia. Second, Government under God is found in Muslim countries that declare Islam as the official religion and that Sharia is the source or foundation of its law. Among these countries are those that draw their government's legitimacy from Islam, as well as countries like Pakistan, Iran, and Iraq that prohibit the enactment of laws that are contrary to the Islamic doctrine. Furthermore, following the Arab Spring in 2011 and the toppling longtime rulers in Libya, Egypt, and Tunisia, a discussion about the role of constitutional democracy has shifted to a discussion about the role of Islamic law. Third, Completely Secular government means a Muslim country whose constitution has declared its government to be secular. The researchers claimed that Islamic parties are often active in these countries and Sharia often influences their local customs.

Table 2. Johnson & Sergie's Classification

| Type | Nations |
|----------------------|---|
| Dual Legal System | Nigeria, Kenya, Tanzania, Lebanon, Indonesia |
| Government under God | Saudi Arabia, Kuwait, Bahrain, Yemen, United Arab Emirates, Pakistan, Iran, Iraq, Libya, Egypt, Tunisia |
| Completely Secular | Azerbaijan, Tajikistan, Chad, Somalia, Senegal, Turkey |

Rehman and Askari's (2010) study examined which important Islamic doctrines have affected the national policy decisions of countries classified as Islamic States and then presented a method to assess those countries' adherence to Islam's religious values and doctrines. In other words, they proposed a measure to determine the degree of "Islamicity" of a country based on Islamic doctrine. They concluded that the OIC effectively represented countries that claim Islam at a national level. In addition, they divided the 57 OIC member states into four categories: governments that have adopted Islam as the official state religion, governments that have represented Islam as their primary religion, countries with a significant Muslim population, and countries that have simply declared themselves as an Islamic republic. The seven countries declared to be Islamic States in the study were Afghanistan, Bahrain, Iran, Mauritania, Oman, Pakistan, and Yemen. The 12 countries that have declared Islam as their national religion are Algeria, Bangladesh, Egypt, Iraq, Kuwait, Libya, Malaysia, Maldives, Morocco, Qatar, Tunisia, and the United Arab Emirates. The authors adopted a comprehensive approach in their classification by including all governments that adopt Islamic education as the basis of its governing guidelines or basic principles.

Table 3. Rehman & Askari's Islamic Countries Classification

| Type | Nations |
|--------------------------------------|---|
| Declared Islamic Countries | Afghanistan, Bahrain, Iran, Mauritania, Oman, Pakistan, Yemen. |
| Declared Islam as the state religion | Algeria, Bangladesh, Egypt, Iraq, Kuwait, Libya, Malaysia, Maldives, Morocco, Qatar, Tunisia, United Arab Emirates. |

Some of the above studies are limited in representing the entire Islamic world because their classification and research were confined to certain Islamic countries. These studies were also conducted prior to the two Gulf Wars and 2011 Arab Spring which were periods of revolution of the modern Islamic State; therefore, they do not reflect the natures of the Islamic countries after these events. Johnson & Sergie's research does not clearly distinguish between religious liberty and the separation of politics from religion which is enshrined in the constitution of Islamic countries because it classifies Islamic countries based on the dynamics of secular law and Sharia. Rehman & Askari's research also attempted to measure the impact of Islamicity on the political, economic, social, legal, and political development of Islamic countries by studying the OIC member states. However, their studies only presented a method for measuring countries' Islamicity. It stopped short of classifying the OIC member states through their methods. Therefore, the present study examines all OIC member states and attempts to classify them based on their relationship between politics and religion as provided by the country's constitutional system changed after the Arab Spring.

2. Classification of OIC Countries According to Constitutional System

Previous studies have confirmed that Islamic countries have different legal systems. In order to examine whether halal certification is required to export to Islamic countries, this term must be clearly defined. This study therefore analyzes the constitutions of the OIC member states, as these represent their principles of government and government action.

A constitution is a set of basic principles and established precedents which constitutes the legal basis of government, institutions, and other type of organizations (The New Oxford American Dictionary, 2005). A nation's constitution forms the basis of all laws relating to the organization, composition, and function of the nation, and it contains the fundamental laws which uphold the basic rights of its citizens. In addition, the nation's constitution maintains, justifies, and legitimizes its legal system and the subordinate laws (Schmitt, 2008). In light of this, this study attempts to understand how much emphasis countries place on halal certification in their food importation processes by examining their constitutions and classifying them based on national religion and related constitutional provisions.

In order to examine the possibility of defining and distinguishing the Islamic State through the constitution of OIC countries, this study first examined whether a nation's constitution recognized Islam and how it had been affected by Sharia. Furthermore, the separation between politics and religion to confirm the possibility of prohibiting the import of haram products on the basis of religious regulation was confirmed.

This study classifies OIC countries into three categories based on a comparative analysis of religious provisions in their constitution. The first category is Islamic states, which identify Islam as the state religion in their constitution and use Sharia law as their primary source of legislation. Nineteen countries, including Saudi Arabia, are included in this category.

The second category includes countries where the official religion is Islam but the country's characteristics are permissive of religious freedom. Seven countries, including Malaysia, are within this category. These countries by nature may have been established on a multi-ethnic or multi-tribal-oriented system.

The third category includes those where the constitution provides for freedom of religion without reference to Islam and where there is a separation of religion and politics. Thirty-one countries, including Indonesia, are in this category.

Table 4. Classification of OIC Countries According to Constitutional System

| Type | Country |
|---|--|
| Type A: Islamic State (19) | Mauritania, Maldives, Bahrain, Saudi Arabia, Somalia, Sudan, Syria, UAE, Afghanistan, Algeria, Yemen, Oman, Jordan, Iraq, Iran, Egypt, Qatar, Kuwait, Palestine |
| Type B: Islam is the official national religion (7) | Libya, Malaysia, Morocco, Bangladesh, Brunei, Pakistan, Tunisia |
| Type C: Freedom of religion and separation of politics and religion (31) | Gabon, Guyana, Gambia, Guinea-Basso, Guinea, Nigeria, Niger, Lebanon, Mali, Mozambique, Benin, Burkina Faso, Senegal, Suriname, Sierra Leone, Azerbaijan, Albania, Uganda, Uzbekistan, Indonesia, Djibouti, Chad, Cameroon, Kazakhstan, Comoros, Cote d'Ivoire, Kyrgyzstan, Tajikistan, Turkey, Togo, Turkmenistan |

Apart from the constitution classification, OIC countries are generally those with a majority Muslim population, even if their constitution does not stipulate Islam, Sharia, or Islamic law. However, it is noteworthy that seven OIC countries, including Cameroon, do not have a majority Muslim population. In addition, most Gulf Cooperation Countries (GCC countries) have a higher number of foreign workers than national citizens; Saudi Arabia is the exception. However, since citizens are the focus of censuses, Muslims appear to be the majority of those who live in the country.

Table 5. Countries with a lower proportion of Muslims among OIC countries

| Country | Population (2018) | Percentage of religions within the population |
|------------|-------------------|---|
| Gabon | 2,119,036 | Roman Catholic 42.3%, Protestant 12.3%, other Christian 27.4%, Muslim 9.8%, animist 0.6%, other 0.5%, none/no answer 7.1% (2012 est.) |
| Guyana | 740,685 | Protestant 34.8% (Pentecostal 22.8%, Seventh Day Adventist 5.4%, Anglican 5.2%, Methodist 1.4%), Hindu 24.8%, Roman Catholic 7.1%, Muslim 6.8%, Jehovah's Witness 1.3%, Rastafarian 0.5%, other Christian 20.8%, other 0.9%, none 3.1% |
| Mozambique | 27,233,789 | Roman Catholic 30.3%, Muslim 19.2%, Protestant 19.2%, Zionist Christian 10.6%, Evangelical/Pentecostal 9.3% (includes Anglican), other 1.4%, none 9.3% (2015 est.) |
| Suriname | 597,927 | Protestant 23.6% (includes Evangelical 11.2%, Moravian 11.2%, Reformed.7%, Lutheran.5%), Hindu 22.3%, Roman Catholic 21.6%, Muslim 13.8%, other Christian 3.2%, Winti 1.8%, Jehovah's Witness 1.2%, other 1.7%, none 7.5%, unspecified 3.2% (2012 est.) |
| Uganda | 40,853,749 | Protestant 45.1% (Anglican 32.0%, Pentecostal/Born Again/Evangelical 11.1%, Seventh Day Adventist 1.7%, Baptist .3%), Roman Catholic 39.3%, Muslim 13.7%, other 1.6%, none 0.2% (2014 est.) |
| Togo | 8,176,449 | Christian 29%, Muslim 20%, indigenous beliefs 51% |
| Cameroon | 25,640,965 | Roman Catholic 38.4%, Protestant 26.3%, other Christian 4.5%, Muslim 20.9%, animist 5.6%, other 1%, non-believer 3.2% (2005 est.) |

Source: CIA The World Factbook

OIC COUNTRIES'S FOOD IMPORT REGULATION

All countries regulate food import to ensure that these imports not be used as a method of discrimination or as disguised restrictions on international trade between countries. This is in accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) for the food safety of their citizens (WTO, 2019). Signatories to such food import regulations are committed to minimizing the negative impact on trade by bilateral or multilateral agreements based on the country's characteristics and environment. In light of this, the present study examined the import regulations of OIC countries in Type A and B countries to analyze how pork and alcoholic beverages, which are prohibited in Islam, are regulated. Type C countries, where freedom of religion was permitted, were excluded.

In Type A countries, where the constitution states that they are an Islamic State, Sharia is the basis of the national legal system. Subordinate laws therefore prohibit that which is prohibited by Islam. In turn, this means that food import regulations prohibit the importation of food that is prohibited by Islam. In Type B countries, where Islam is the official national religion, there may be people of various religious beliefs, but the majority of the population is Muslim.

Comparing the food import regulations of Type A and Type B countries showed that not all Type A countries prohibited the import of pork and alcoholic beverages which are strictly prohibited by Islam. As presented in Table 6, some countries permit the import of pork, pork products, or alcohol products in certain circumstances. Countries with the strictest food regulations under Islamic law include Saudi Arabia, Afghanistan, Kuwait, Algeria, Libya, Qatar, and Pakistan. In Saudi Arabia, the Saudi Food & Drug Authority (SFDA) Food Import Requirements, 2019, may require a "certificate of origin, halal certification, slaughter certification for meat and poultry, and any other documents or certification required by SFDA," depending on the food category, but halal certification is only required for the importation of slaughtered meat. (GAIN. Report Number: SA1814, 2019). However, the SFDA's Technical Regulations and Standards E-service states that its purpose is to establish an integrated legislative system of technical standards and regulations for food and products in line with the provisions of Islamic law to ensure more stringent controls on food safety and to protect the health of consumers.

In short, the SFDA aims to integrate the standards and legal provisions of halal food in line with Islamic law Sharia (SFDA, 2019).

In Algeria, its food import regulations state that “Algeria is a Muslim country and halal is mandatory,” and halal certification for some foods has been mandated since June 2017. Prior to that, the terms and conditions of consumer information were specified in Decree 13-378 of 9 November 2013 (Posted on November 18, 2013 at JO No.58). Similarly, on June 14, 2016, the inter-ministerial meeting (December 8, 2016, JO. No. 70) stipulated the conditions and procedures for attaching the word “halal” to relevant food products in accordance with Article 12 (Article 14) (GAIN. Report Number: AG1906, 2019).

While most GCC countries, including Saudi Arabia, largely adopt the GCC’s common regulations in relation to importing food, there are some differences in the details of the requirements. In the case of UAE, Bahrain, Iraq, the Maldives, and Tunisia, the import of pork and pork derivatives is permitted, but it is stipulated that the product should clearly show that it is pork or a pork derivative on a separate label rather than merely being included in the list of ingredients (Flanders Investment & Trade, 2018). Permitting the importation of pork and pork derivatives in the above countries appears to be allowed for foreigners residing in the country or foreign tourists rather than for their citizens’ consumption. Also, there is no requirement for halal certification in their food importation procedure.

The constitutions of Type B countries do not necessarily follow Sharia. Among these countries, Malaysia, Bangladesh, Brunei and others are made up of many ethnic groups, and these countries allow freedom of religion to accommodate various religious beliefs. Nevertheless, most of these countries are subject to strict Islamic regulations. In Libya, Pakistan, and Brunei, the import of pork and alcohol is strictly prohibited, and Bangladesh prohibits the import of pork. Tunisia allows the import of pork and pork derivatives, but requires the relevant information to be displayed on the packaging.

Among the import regulations of some Islamic countries, countries that allow the import of alcoholic beverages are Jordan, Morocco, Qatar, Syria, Somalia, Tunisia, UAE, Bahrain, Iraq, and Bangladesh; these countries primarily import them for sales in tourist-only facilities to enable vitalization of tourism rather for consumption by their citizens.

Table 6. Status of Islamic Countries' Importation of Pork and Alcoholic Drinks

| Contents | Country |
|--|--|
| Countries Prohibiting Importation of Pork, Pork Derivatives, and Alcoholic Drinks | Afghanistan, Iran, Saudi Arabia, Kuwait, Algeria, Libya, Pakistan, Brunei |
| Countries Prohibiting Importation of Pork and Pork Derivatives | Qatar, Bangladesh |
| Countries Requiring Meat Products to Display Ritual or Halal Slaughtered Certification (Confirmed in Respective Embassy) | Egypt, Jordan, Morocco, Oman, Syria. |
| Countries Permitting or Requiring Display of Certification for Importation of Pork and Pork Derivatives | UAE, Bahrain, Iraq, Maldives, Tunisia, Malaysia |
| Countries Permitting Importation of Alcoholic Drinks | Jordan (50-200% tax), Morocco (Arabic labeling not required), Qatar (income and advertising prohibited by one institution), Syria (only for public sector companies), Somalia, Tunisia (labeling required in the case of alcoholic products). UAE (only through authorized agencies, 50% tax), Bahrain (125% tax), Iraq, Bangladesh (only for hotels acquiring foreign currency) 50% Tax on Alcohol Products under GCC's Unified Customs Laws (UCL) Signed in 2003 |
| Countries Prohibiting Importation of Only Alcoholic Drinks | Sudan |

Source: Food import regulations of the respective countries.

IS HALAL CERTIFICATION NECESSARY FOR EXPORTING TO ISLAMIC COUNTRIES ?

Even though most Islamic countries do not necessarily require halal certification for processed foods other than for meat products, the prohibition on importing foods that are not permitted by Sharia means that all foods imported into their country are those permitted by Sharia. In other words, they are halal.

The reason why these countries have had little interest in halal certification thus far can be divided into four categories. First, they believed

halal pertains only to meats and therefore they only applied halal certification to the import of meat products. Second, the countries' residents believe that all food in their country is halal because the country's food import procedure does not permit foods that are prohibited by Islam. Third, the study of raw materials derived from haram (prohibited) materials in food has only recently been conducted; therefore Muslim consumers are yet to recognize the halal status of ingredients. Finally, Muslim consumers in Islamic countries that permit pork or pork derivative imports were not inconvenienced thanks to the labeling requirements.

However, the fact that food ingredients have become complex and contain haram-derived products or that there is a risk of cross-contamination have been confirmed through recent research and cases such as the Cadbury Chocolate incident (The Star, 2014) in Malaysia and the Korean Noodles Recall (Indonesia Expat, 2017) in Indonesia. These cases have been instrumental in making Muslims around the world interested in the halal status of distributed products. The United Arab Emirates in particular is actively investigating and responding to various food-related rumors through the Abu Dhabi Agriculture and Food Safety Authority website (ADAAFS, 2014). In light of these trends, a movement to regulate halal in the country's food circulation has begun to emerge among the GCC countries. These movements began with the United Arab Emirates, and a cross-certification system by halal certification institutions with Qatar and Saudi Arabia has also been established. Qatar has recognized without reservation the foreign halal certification institution in Malaysia, and Saudi Arabia has five certification bodies registered as of July 2019 (Saudi Halal Center, 2019).

Many previous studies have mentioned the concept of halal and the acquisition of halal certification for entry into the Islamic market. However, is halal certification actually necessary for this? The conclusion to date is "not necessarily." This study has confirmed that even countries whose fundamental legal system is based on Sharia allow for the import of pork, products containing pork derivatives, and alcohol. However, it is estimated that the import of most of these products is permitted to accommodate foreign workers and tourists who reside in their country rather than their resident Muslims.

Nevertheless, it is clear that awareness of and information on halal is increasing rapidly in countries whose state religion is Islam or whose majority population is Muslim. Malaysia, Thailand, Indonesia, the United Arab Emirates, and other countries' efforts to standardize and enforce

halal certification by providing information through a variety of exchanges, SNS, and the Internet have led to an increase in the interest of halal in many Islamic countries and with many Muslims. In spite of these interests, consumers may not be able to identify the halal status of foods, cosmetics, and other products, so they must eventually rely on halal certification.

CONCLUSION

This study examined the constitutions of OIC countries and reviewed the relationship between the constitution and Sharia, the status of Islam as state religion, and freedom of religion. Results showed that OIC countries can be classified into three categories. First is Islamic State, which is a country whose constitution identifies its state religion as Islam and Sharia as its main source of legislation. Second is countries where the official religion is Islam, but the country is permissive of religious freedom. Third is countries whose constitution provides for freedom of religion without reference to Islam and where there is a separation of religion and politics. Combining the above classification with an analysis of Islamic countries' food import regulations helps to suggest answers to the question "Is halal certification necessary for exporting to Islamic countries?" This question is answered for each category below.

Islamic Countries

First, in order to export food products to Islamic countries, manufacturers must comply with halal manufacturing standards. Even if halal certification is not mandatory, exports to Islamic countries should not include pork and alcohol or other foods banned by Islam, and exporters should make efforts to prevent cross-contamination. Second, citizens of Islamic countries consume products believing that they are halal because their country prohibits the import of ingredients prohibited by Islam or mandates clear labeling of such ingredients. Nevertheless, some of these countries allow the import of pork and pork derivatives in order to accommodate foreigners in their country. In this case, it may be desirable to obtain halal certification because products displaying halal certification can give consumers a sense of certainty. Third, there is an incentive to choose an internationally recognized halal certification authority to certify products because a number of countries have implemented a cross-certification system. Cross-certification systems allow for only certification to be necessary in order to export halal products to several coun-

tries. While this system is a trade barrier, it does not pose a significant problem as it does not necessarily prohibit the import of non halal-certified products in these countries. However, it is important to confirm the reputation of certification authorities because halal products must be certified by a cross-certified certification authority in order to export them.

Countries where Islam is the official religion

Most countries whose official religion is Islam apply halal regulations to the import of meats only. Of course, there are differences in the details of each country's import regulations. However, it is noteworthy that most of these countries guarantee protection for various religions because their population is made up of believers of Islam and other religions. Therefore, it is preferred obtaining halal certification is preferred when exporting to these countries. Consumers may be interested in the halal status of foods given that many mixed-ingredient products exist in the market, and checking product labels to confirm their status is the only way to ascertain the possibility of cross contamination during the manufacturing process. This is necessary to confirm the halal certification or prevent the consumption of allergens. Therefore, consumers will rely on halal certification to find halal products.

Countries which stipulate freedom of religion and separation of religion and politics

The import regulations of most countries whose constitution guarantees freedom of religion and separation of religion and politics are not concerned with halal. However, some of these countries, including Indonesia, require all imported foods to display halal or non-halal status as of October 17, 2019 (Government Regulation Number 31, Year 2019). In Turkey, products containing pork or pork derivatives are required to display their contents, and products containing alcohol are required to display the alcohol content (GAIN Report Number: TR6017, 2016). However, these two countries are exceptions. Therefore, except for Turkey and Indonesia, the level of awareness of halal certification in the countries is relatively low; the acquisition of halal certification is not necessary for export to those countries.

Changes in the recognition of halal in Islamic markets and Muslim consumers are emphasizing the need for halal certification. Only a few years ago, Muslims in many Islamic countries believed halal applied to only meats. However, Malaysia, Thailand, Indonesia, United Arab Emirates

and other countries' efforts to standardize and enforce halal certification by providing information through a variety of exchanges, SNS, and the Internet have led to an increase in the interest of halal in many Islamic countries and Muslims. Despite these efforts, Muslim consumers do not have a simple method to check the halal status of foods, cosmetics, and other products, and they must therefore eventually rely on halal certification. Based on the findings presented, we believe that halal certification is not absolutely necessary to export food to Islamic countries, but halal certification is the only means by which Muslims can determine the halal status of products. Therefore, it is desirable to obtain halal certification when exporting food products targeted at Islamic countries or Muslim consumers.

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References

- Abdul, Mohani, *et al.* "SMEs and halal certification," *China-USA Business Review* 8(4), 2009: 22-29.
- Abu Dhabi Agriculture & Food Safety Authority (ADAAFS). "Rumors." *Abu Dhabi Agriculture and Food Safety Authority*; <http://www.adfca.ae/English/Awareness/Rumors/Pages/default.aspx> (accessed 22 April 2020)
- Al Jallad, Nader. "The Concept of al-halal and al-haram in the Arab-Muslim culture: a translational and lexicographical study," *Journal of Theoretical and Experimental Linguistics* 10, 2008: 77-86.
- Arif, Sazelin, and Ahmad, Ridzwan. "Food quality standards in developing quality human capital: An Islamic perspective," *African Journal of Business Management* 5(31), 2011: 12242-12248.
- Aziz, Yuhani Abdul, and Chok, Nyen Vui. "The role of Halal awareness, Halal certification, and marketing components in determining Halal purchase intention among non-Muslims in Malaysia: A structural equation modeling approach," *Journal of International Food & Agribusiness Marketing* 25(1), 2013: 1-23.
- Calder, Norman, *et al.* "Legal thought and jurisprudence." *The Oxford Encyclopedia of the Modern Islamic World* 2, 1995: 450-456.
- CIA. *The World Factbook*. CIA; <https://www.cia.gov/library/publications/the-world-factbook/> (accessed 22 March 2020).
- Esposito, John L. (ed.). *The Oxford encyclopedia of the modern Islamic world*. vol. 2. Oxford: Oxford University Press, 1995.
- Flanders Investment & Trade. *Import Regulations for Food in the UAE*. 2018.
- Forte, David F. "Islamic law: the impact of Joseph Schacht," *Loyola of Los Angeles International and Comparative Law Review* 1, 1978: 1-36.
- GAIN. Report Number: TR6017. *Turkey: Turkey Food and Agricultural Import Regulations and Standards Narrative*. USDA. 2016.

- GAIN. Report Number: AG1906. *Algeria: Algeria Food and Agricultural Import Regulations and Standards Report*. USDA. 2019.
- GAIN Report Number: SA1814. *Saudi Arabia Food and Agricultural Import Regulations and Standards Report*. USDA. 2019.
- Government of Islamic Republic of Afghanistan Ministry of Commerce and Industry. *An Inventory to Importing Goods into Afghanistan*. 2013.
- Hanzaee, Kambiz Heidarzadeh, and Ramezani, Mohammad Reza. "Intention to halal products in the world markets," *Interdisciplinary Journal of Research in Business* 1(5), 2011: 1-7.
- Henderson, Joan C. "Halal food, certification and halal tourism: Insights from Malaysia and Singapore," *Tourism Management Perspectives* 19, 2016: 160-164.
- Ibrahim, Arwa. *All you need to know about OIC*. Aljazeera. 31 May 2019; <https://www.aljazeera.com/news/2019/05/oic-190531055450527.html> (accessed 31 May 2019)
- Indonesia Expat. *Korean Noodles Recalled After Pig DNA Found In Testing*. 2017; <https://indonesiaexpat.biz/news/bpom-korean-instant-noodles/> (accessed by 22 March 2019)
- Johnson, Toni, and Sergie, Mohammed A.. "Islam: governing under Sharia," *Council on Foreign Relations* 25, 2014.
- Muhammad, Nik., *et al.* "Positioning Malaysia as halal-hub: integration role of supply chain strategy and halal assurance system," *Asian Social Science* 5(7), 2009: 44-52.
- Nakyinsige, Khadijah, Yaakob Bin Che Man, and Awis Qurni Sazili. "Halal authenticity issues in meat and meat products," *Meat science* 91(3), 2012: 207-214.
- Organisation of Islamic Cooperation (OIC). *Observers/Organisation of Islamic Cooperation*. https://www.oic-oci.org/page/?p_id=179&p_ref=60&lan=en (accessed 29 June 2019)
- Organisation of Islamic Cooperation (OIC). *History. Organisation of Islamic Cooperation*. https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en (accessed 29 June 2019)
- Okon, Etim E. "Islamic jurisprudence and the primacy of shariah," *International Journal of Asian Social Science* 3(1), 2013: 138-149.
- Otto, Jan Michiel. *Sharia incorporated: A comparative overview of the legal systems of twelve Muslim countries in past and present*. Leiden University Press, 2010.
- Otto, Jan Michiel. *Sharia and National Law in Muslim Countries: Tensions and Opportunities for Dutch and EU Foreign Policy*. Leiden University Press, 2008.
- Rajagopal, Shambavi, *et al.* "Halal certification: implication for marketers in UAE," *Journal of Islamic Marketing* 2(2), 2011: 138-153.
- Rehman, Scheherazade S., and Askari, Hossein. "How Islamic are Islamic Countries?" *Global Economy Journal* 10(2), 2010: 185-198.
- Regenstein, Joe M., Chaudry, Muhammad M., and Regenstein, Carrie E.. "The kosher and halal food laws," *Comprehensive reviews in food science and food safety* 2(3), 2003: 111-127.
- Riaz, Mian N., and Chaudry, Muhammad M. *Halal food production*. CRC press, 2003.

- Saudi Food & Drug Authority (SFDA). *Food Import Requirements (2019)*. https://www.sfda.gov.sa/en/food/about/administration/mangement_food/Pages/EDOIFC-FoodImportReq.aspx (accessed 22 November 2019)
- Saudi Food & Drug Authority (SFDA). *Saudi Food and Drug Authority: Technical Regulations and Standards E-service*. <https://www.sfda.gov.sa/en/Eservices/Pages/default.aspx> (accessed 21 July 2019)
- Saudi Food & Drug Authority (SFDA). *Saudi Food and Drug Authority: Food Import Requirements*. https://www.sfda.gov.sa/en/food/about/administration/mangement_food/Pages/EDOIFC-FoodImportReq.aspx (accessed July 21, 2019)
- Saudi Halal Center. *List of Bodies Recognized by Halal Center- Saudi Food and Drug Authority (SFDA) to Issue Halal Certificates According to Categories Specified in the Table*. <https://www.sfda.gov.sa/en/food/Documents/food-hala-list.pdf> (accessed 25 July 2019)
- Schmitt, Carl. *Constitutional Theory*. Duke University Press, 2008.
- The Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC) of OIC. *A brief on the Organisation of Islamic Cooperation (OIC) and its Institutions*. 2019; <http://www.sesric.org/about-oic.php> (accessed 29 June 2019)
- Shafie, Shahidan, and Othman, Md Nor. "Halal certification: an international marketing issues and challenges." *Proceeding at the International IFSAM VIIIth World Congress*. 2006.
- The Deen Show. *Halal, Mustahabb, Mubah, Makrooh & Haram*. 2020; <https://www.thedeenshow.com/halal-mustahabb-mubah-makrooh-haram/> (accessed 2 April 2020)
- The New Oxford American Dictionary*, Second Edition, ed. by Erin McKean, New York: Oxford University Press, 2005.
- The Star, "Jakim suspends 'halal' certification of two Cadbury products," 2014; <https://www.thestar.com.my/News/Nation/2014/05/24/Jakim-Cadbury-chocolates/> (accessed 22 March 2020)
- Thomson Reuters. *State of the Global Islamic Economy Report 2019/20*. 2019.
- Thomson Reuters. *State of the Global Islamic Economy Report 2014/15*. 2014.
- Vandendriessche, Frank. "Meat products in the past, today and in the future," *Meat science* 78(1-2), 2008: 104-113.
- Vikør, Knut S. *Between God and the sultan: A history of Islamic law*. New York: Oxford University Press, 2005.
- WTO. Agreement on the Application of Sanitary and Phytosanitary Measures. 2019; https://www.wto.org/english/docs_e/legal_e/15-sps.pdf (accessed 14 Nov. 2019).
- Zailani, Suhaiza, *et al.* "Halal traceability and halal tracking systems in strengthening halal food supply chains for food industry in Malaysia (a review)." *Journal of food Technology* 8(3), 2010: 74-81.
- Zulfakar, Mohd Hafiz, Anuar, Marhani Mohamed, and Talib, M.S.A. "Conceptual framework on halal food supply chain integrity enhancement," *Procedia-Social and Behavioral Sciences* 121, 2014: 58-67.