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CONSUMER PROTECTION OF HALAL FOOD PRODUCTS
IN MALAYSIA

By
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Project Paper submitted to the Ghazali Shafie Graduate School of Government
Universiti Utara Malaysia
in fulfillment of the requirements for the Master of Commercial Law
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ABSTRACT

Halal food products are not only confined to Muslim community but it becomes big concern of non-Muslim community who are particular on the issue of hygiene and healthy food. The increasing number of food products in the market has created concern among Muslims all around the world on the halal status of a product. Moreover, it has caused doubts as the foods might contain unwanted, danger or contaminated ingredients that cannot be traced with the naked eye which may eventually harm the health of consumers. Halal products also do not emphasize only in terms of hygiene in food preparation but also in terms of slaughtering procedures and food processing. Thus, enforcement measures have been taken by requiring halal food products to ensure that manufacturers comply with the requirements of halal product. Although various regulations and laws on food have been established in Malaysia, but the implementation seems difficult to realize, especially when dealing with the issue of falsification of certificates and logos. Hence, this study examined the laws that govern halal food products in Malaysia and method of enforcing and implementing the existence law. In this study, the analysis has been done through data collected from the main source of legislations, Acts, cases and journal articles. Although the law and halal food guidelines have long been implemented, but there are still weaknesses in terms of the effectiveness of the law and its implementation in Malaysia. Therefore, this study suggested that create specific halal law to govern halal legislations. Without effective laws, various problems will arise that may prevent government’s efforts to lift the halal industry as a new source of world economic development.

Keywords: Halal Food Products, Consumer Protection, Law Enforcement
ABSTRAK


Kata Kunci: Produk Makanan Halal, Perlindungan Pengguna, Penguatkuasaan Undang-undang
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<th>Description</th>
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<tbody>
<tr>
<td>ACCP</td>
<td>ASEAN Committee on Consumer Protection</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>CAP</td>
<td>Consumers Association of Penang</td>
</tr>
<tr>
<td>CPA</td>
<td>Consumer Protection Act</td>
</tr>
<tr>
<td>DVS</td>
<td>Department of Veterinary Services</td>
</tr>
<tr>
<td>GHP</td>
<td>Good Hygiene Practices</td>
</tr>
<tr>
<td>GMF</td>
<td>Genetically Modified Food</td>
</tr>
<tr>
<td>GMP</td>
<td>Good Manufacturing Practices</td>
</tr>
<tr>
<td>HDC</td>
<td>Halal Industry Development Corporation</td>
</tr>
<tr>
<td>ISO</td>
<td>International Standards Organization</td>
</tr>
<tr>
<td>JAIN</td>
<td>State Islamic Religious Department</td>
</tr>
<tr>
<td>JAKIM</td>
<td>Department of Islamic Development Malaysia</td>
</tr>
<tr>
<td>LA</td>
<td>Local Authorities</td>
</tr>
<tr>
<td>MAIN</td>
<td>State Islamic Religious Council</td>
</tr>
<tr>
<td>MDTCC</td>
<td>Ministry of Domestic Trade, Co-operation and Consumerism</td>
</tr>
<tr>
<td>MOA</td>
<td>Ministry of Agriculture and Agro-Based Industry</td>
</tr>
<tr>
<td>MOH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>MS</td>
<td>Malaysia Standard</td>
</tr>
<tr>
<td>NCP</td>
<td>National Consumer Policy</td>
</tr>
<tr>
<td>OIC</td>
<td>Organization of Islamic Countries</td>
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<tr>
<td>SIRIM</td>
<td>Standards and Industrial Research Institute of Malaysia</td>
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<tr>
<td>TDA</td>
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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The population of the Muslim is large, fast increasing around the world and Islam is the quickest growing religion on earth. With Muslims now dominating one quarter of the entire world population, the business sector opportunities are exceptional and the worldwide halal commercial sector is becoming a lucrative business sector for nourishment makers, making it impossible to disregard. The demand for halal food has continually increased and overtaken the supply of food. The South-East Asia and the Middle East are the fore front in the halal food market having over 1.9 billion estimated consumers from over 112 countries. The market for halal food in the entire world is estimated at US$580 billion per year. The worldwide halal market is estimated to US$80 billion or 5% of aggregate exchange of agri-food products. According to the prerequisites of the Islam religion, all Muslims must eat, drink and take the halal medical treatment. All these increase the interest for halal products. Considering the rate of increase in the population and income rate, the future estimate provides that halal food will account for 20% of the world trade in food products. A quite number of Muslims and non-Muslims have been attracted to

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BIBLIOGRAPHY

Book


Article and Journal


**Internet**

47. “All you should know before exporting to Malaysia” http://agritrade.iift.ac.in/html/Training/Market%20study/Malaysia.pdf (accessed November 11, 2015).


52. “Food Safety and Quality Division, Ministry of Health Malaysia”


Statute

62. The Animal Act 1953

63. Animals (Control of Slaughter) Rules 2009

64. Consumer Protection Act 1999

65. Food Act 1983

66. Food Regulation 1985

67. Food Hygiene Regulation 2009

68. Malaysian Standard (MS 1500:2009)

69. Trade Descriptions Act 2011

70. Trade Descriptions (Definition of Halal) Order 2011

71. Trade Descriptions (Certification and Marking of Halal) Order 2011